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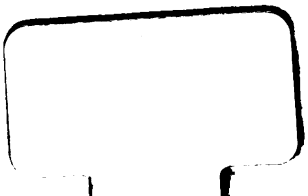

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Late Lieutenant in the Tenth Regiment of Dragoons, Commanded by His Royal Highneſs the Prince of Wales;

AND

SAMUEL MARTIN COLQUITT, Esq.

Captain of his Majeſty's Ship Princeſs.

ON AN INDICTMENT FOR THE MURDER OF

Mr. EDWARD GRAYSON, of LIVERPOOL, SHIP-BUILDER.

Before SIR ALAN CHAMBRE, KNIGHT,

One of the Judges of the Common Pleas,

At the ASSIZES, held at LANCASTER, on WEDNESDAY, APRIL 4th, 1804.

Taken in Short Hand and Collated with the Notes of other Writers.

——————————— Honourable
Without the Stamp of merit———

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PREFACE.

IT is proper the Reader ſhould be appriſed, that the Publication of this Trial does not appear at the particular inſtance of either of the parties concerned in it. The impropriety, therefore, if there exiſts any, of thus detailing at large to the world, through the medium of the preſs, the ſolemn tranſactions of a court of juſtice, muſt be imputed to the publiſher alone, at whoſe requeſt the proceedings were taken down in ſhort-hand, and not to either of the parties ſo deeply implicated in it.

With the deciſion of the caſe, however, he has nothing to do. The Trial by Jury is an invaluable branch of the Britiſh Conſtitution; it is deſervedly the boaſt of Engliſhmen, ſince, it is the grand palladium of their Rights and Liberties. Nor, will the Publiſher, he truſts, be ſuſpected of this in the remoteſt degree, whilſt, in concurrence with a great majority of his fellow ſubjects, he deplores the alarming increaſe of the practice of Duelling—an evil, now become the theme of almoſt univerſal execration. No perſon who has paid any tolerable degree of attention to this ſubject, can have failed to remark that *the Laws of the Country and the Practice of the Courts* are completely at variance on this point. The Publiſher has not the preſumption to imagine for a moment, that his inſignificant and feeble voice will be regarded in this matter; but as a peaceable ſubject, a friend to humanity, and, he will add alſo, to the intereſts of civilized ſociety, he muſt be pardoned in expreſſing with ſome degree of warmth, his abhorrence of a practice which carries in it ſo manifeſt and flagrant a violation of the Laws of God—and his deepeſt regret that ſome effectual check is not put to it.

The contents of the preſent Pamphlet, he has no doubt, will be found intereſting to the community at large, and peculiarly ſo to the town and neighbourhood of Liverpool. Conſiderable pains, too, have been taken to render the Report as correct and circumſtantial as poſſible. Since the publication of the firſt four editions the whole has been reviſed by the ſhort hand copies as well as by the notes of ſome profeſſional gentlemen, in conſequence of which ſeveral errors have been corrected, which the deſire of the publiſher to gratify the general avidity by an early publication, rendered almoſt unavoidable. The proceedings in Liverpool on the death of Mr. Grayſon, which, in the former editions, were added to the trial as an Appendix, are now prefixed as an Introduction; and the Defence of Mr. Sparling, which was wholly omitted, is now ſupplied, as well as a brief ſketch of that of Capt. Colquhit.

POSTSCRIPT TO THE PREFACE OF THE FIFTH EDITION.

"THE LAWS OF THE COUNTRY AND THE PRACTICE OF THE COURTS AT VARIANCE ON THE ARTICLE OF DUELLING!"

As this remark has subjected the Publisher to a considerable share of obloquy, and even *to the threat of a prosecution*, he cannot dismiss this new edition into the world without subjoining a few words by way of explanation.

Should any infer from it that the writer thirsts for human blood, or that he laments that those Gentlemen, who, on this occasion were acquitted, have not forfeited their lives to the laws of their country, they would most egregiously mistake his intentions. He conceives, however, that, if the practice of Duelling be, what he has stated it—*a growing evil*, and now almost universally execrated, it is the proper business of our Courts of Judicature to repress it, and that it is the duty of Juries to do so. Every one must allow that there is an essential difference between verdicts which shall tend to deter from the commission of crimes and those which shall encourage them: but how the late decision at Lancaster must operate it is surely unnecessary to point out. As to those persons who have thought proper to threaten the writer with a prosecution for the above remark, he begs leave to assure them, that he has no predilection for the *King's Bench*, nor for any other of the King's prisons, and that it will be infinitely more agreeable to himself to remain at home in the society of his family and attending to those duties which he owes them. Nevertheless he will take this opportunity of declaring, that if twelve *honest* Englishmen can be found who shall concur in finding him guilty of any crime and deserving of punishment for writing and printing that paragraph (unbiassed by the sophistical reasonings of a special pleader) he pledges himself to meet his destiny, whatever it may be, with all the apathy of a Stoic. Under those circumstances, however, he hopes he should be allowed the privilege of printing his own trial *as an article of trade*, and of accompanying it with such observations on the conduct of both Judge and Jury as he may think necessary for the good of his countrymen.

But it may be worth while analysing this obnoxious sentence, that it may the more clearly be comprehended *what are the Laws of the Country* in regard to Duelling, and *what is the practice of the Courts*; and this, it is presumed, may be done without any pretensions to deep reading in English Jurisprudence.

In regard to the first of these—the laws of England concerning Duelling, if we look into *Judge Blackstone*, we shall find that "the law adjudges it to be murder if one man kill another, "in a duel"; and "even fighting at all, when no mischief en- "sues, is punishable by fine and imprisonment, and both sender "and bearer of a challenge are deemed equally guilty."

Commentaries, vol. iv.

Another great authority tells us—"It is agreed, that when- "ever two persons in cool blood meet and fight on a precedent "quarrel, and one of them is killed, the other is guilty of mur- "der, and cannot help himself by alledging, that he was first "struck by the deceased; or that he had often declined to meet "him, and was prevailed on to do it by his importunity; that "it was his only intent to vindicate his reputation; or that he "meant not to kill but only to disarm his adversary. For since "he deliberately engaged in an act highly unlawful in defiance "of the laws, he must at his peril abide the consequences there- "of. And from hence it clearly follows, that if two persons "quarrel over night and appoint to fight the next day, or "quarrel in the morning and agree to fight in the afternoon— "and one kill the other, he is guilty of murder."

Hawkins's Pleas of the Crown, B. 1. C. 31.

Again,—"An affray may receive an aggravation from the "dangerous tendency thereof; as where persons coolly and "deliberately engage in a duel, which cannot but be attended "with the apparent danger of murder, and is not only an open "defiance of the law, but carries with it a direct contempt of "the justice of the nation, as putting men under a necessity of "righting themselves: upon which considerations, persons con- "victed of barely sending a challenge have been adjudged to "pay a fine of One Hundred Pounds, and to be imprisoned "one month without bail; and also to make a public acknow- "ledgment of their offence and to be bound to their good be- "haviour."

Hawkins's Pleas, &c. B. I. Ch. 63.

So much for the laws of the country on this point: *what, now, has been the practice of the Courts?* This, the writer is well aware, is a delicate subject to touch upon, and therefore he shall content himself with barely quoting two lines from a respectable writer.

"*I have not found* ANY CASE *of an actual execution in* "*England in consequence of a Duel fairly fought.*"

Principles of Penal Law. 1771. *Chap. Duelling.*

These extracts may be of some use to common readers, in enabling them to form a judgment for themselves, upon the merits of the case before them; and they may also assist in determining whether the remark of the writer be well or ill founded.

Indeed, were it necessary to justify it by an appeal to authorities, nothing would be easier than to do so; though the present limits forbid it. The writer hopes, however, he shall be indulged in producing one short passage from an author of considerable eminence. The work is dedicated to HIS GRACE the present ARCH-BISHOP OF CANTERBURY, to whom the author, if we are not mistaken, is nearly related. Treating on the subject of Duelling, he has the following words:

"There wants not any new laws on the subject, but only a "due enforcement of those already subsisting.—*Yet how little "are these wholesome statutes regarded!* Challenges are forwarded and accepted, and the names of all the parties proclaimed at length in the public prints, without disguise or "shame, or censure. The combat itself is pursued and its proceedings made public in defiance of all decency and law. If "one party fall, the survivor either absconds for a time, without much enquiry made after him, or puts himself on his trial; "where the whole business seems to turn on the *mode* of that "fighting which produced death, whether it were *fair* and *honourable*, rather than on the ABSOLUTE ILLEGALITY OF THE "FIGHT ITSELF; which circumstance alone, viz. its being an "illegal action, would in other cases be sufficient to condemn "the culprit. *But this point is generally pretty well secured before "the defaulter appears to stand his trial; and then, either a total "acquittance ensues*, or the statute of manslaughter is egregiously perverted to protect the duellist. THE LAW IS CLEAR IN "DETERMINING, THAT WHOEVER FALLS IN A DELIBERATE "DUEL IS MURDERED?—But though laws may be devised "which, if duly exerted, would tend much to restrain this practice, yet it is to be feared none will effectually and totally "suppress it. This is only to be expected from a change of "opinions and manners, and from placing the *point of honour* "on some more solid and firm basis, than it stands at present—"on the decision of the duel; which is every way unavailing "to truth, to equity, and justice, as well as contrary to the "Laws of God and Man."

See *Moore on Suicide and Duelling*, vol. 2, p. 248.

What this writer says concerning *the point of honour* is extremely just, and ought not to be passed over without notice. The moral turpitude of duelling is so demonstrable and the practice of it is so contrary to the laws both human and divine, that few, if any, ever presume to defend it on these grounds.

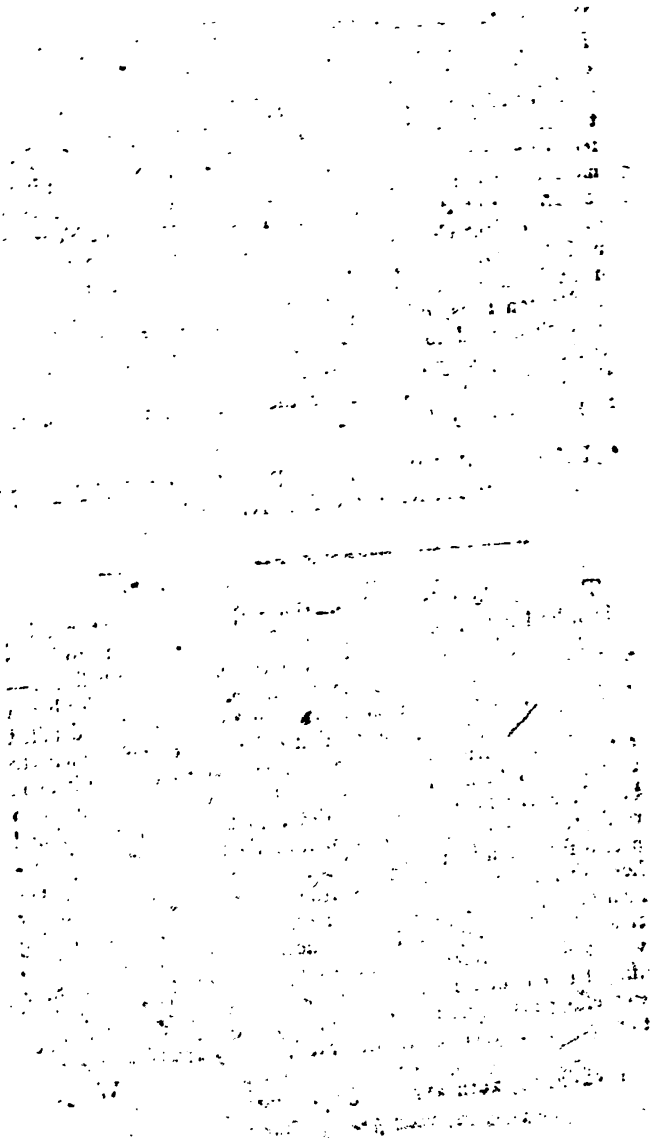
Whence then comes it to pass that the practice is continued,? It can only be resolved into an *impious contempt of the authority of the Most High.* Could men but raise their minds to a persuasion that it is *the glory of their nature,* their highest dignity, to obey the laws of the great Governor of the Universe in preference to what are called the laws of honour, and that it was most dishonourable to break them, how contemptible would the practice of duelling appear! It is related by the biographer of the gallant COLONEL GARDNER, whom no man ever suspected of cowardice, and who nobly fell at the head of his regiment fighting in defence of his King and Country, at the battle of Preston Pans, during the rebellion in 1745,—that he was once challenged to a duel by a stripling officer. His answer was certainly *very unfashionable,* but it shall here be recorded for the consideration of, and for the imitation, too, of all who may be similarly situated—

"I AM NOT AFRAID OF FIGHTING, BUT I AM "AFRAID OF SINNING!"

To conclude this Preface—the writer hopes that nothing which he has said in it will be so far misconstrued as to imply that he is making himself a party in this unfortunate business.—He certainly has formed his own opinion, as every reader has a right to do, of the merit or demerit of the proceedings detailed in the following pages, but as that opinion is of no moment to the public, he has not had the presumption to obtrude it upon them. His situation in life has laid him under obligations to both parties, which, as it is his duty, so he shall ever be found ready to acknowledge; but it will not, on this account, be expected from him that he should commend practices which he abhors, or sacrifice his principles from a false complaisance to any man or any party. He hopes he shall be pardoned for taking this occasion of saying, that he sincerely and deeply sympathises with the highly respectable family upon whom this melancholy affair has entailed such a complicated series of distress, and of expressing his regret that his sympathy under their present afflictions can be to them of so little avail.

W. J.

LIVERPOOL, 20th APRIL, 1804.



PROCEEDINGS IN LIVERPOOL,

IN CONSEQUENCE OF THE DEATH OF

MR. *EDWARD GRAYSON.*

(No. I.)

Mr. Isaac Bold's depoſition, that his father Jonas Bold, Eſq. the Coroner of Liverpool is abſent from Liverpool and his return uncertain.

Borough of Liverpool. ſſ.

Depoſitions of Witneſſes produced, ſworn and examined, before William Harper, Eſquire, Mayor, and one of his Majeſty's Juſtices of the Peace, in and for the ſaid Borough, in the abſence of Jonas Bold, Eſq. Coroner of our Sovereign Lord the King, within the ſaid Borough, on view of the body of Edward Grayſon, late of Liverpool aforeſaid, Shipbuilder, now lying dead this 4th March, 1804.

Iſaac Bold, of Liverpool aforeſaid, Gentleman, depoſeth and ſaith that his father, the ſaid Jonas Bold, Eſq. is Coroner of and for the ſaid Borough, and that he hath been abſent from Liverpool about three months, and that he cannot ſay, with any degree of certainty, when he will return home.

Sworn before me, ISAAC BOLD.

WILLIAM HARPER.

(No. II.)

Examination of Patrick Dignan.

Borough of Liverpool, ſſ.

Depoſitions of Witneſſes produced, ſworn and examined before me William Harper, Eſquire, Mayor, in the abſence of Jonas Bold, Eſquire, the Coroner our Sovereign Lord the King, within the ſaid Borough, touching the Death of Edward Grayſon, late of Liverpool aforeſaid, Shipbuilder, now lying dead this 4th March, 1804.

Patrick Dignan, being ſworn and examined, depoſeth and ſaith that he has lived with the deceaſed, as a houſe ſervant, upwards of ſeven months; that he is a married man, on which account his late maſter permitted examinant to ſleep at his lodgings, out of his late maſter's houſe; that on Saturday night laſt but one, about half paſt eleven o'clock, his ſaid late maſter directed this examinant to come to his houſe at ſix o'clock the next morning, and to be very particular as to the time; that at about a quarter paſt ſix o'clock on Sunday morning examinant attended at his maſter's houſe; that, when examinant came, his ſaid late maſter was angry with him for being ſo late; that his late maſter and examinant went from his maſter's houſe, in Saint James's Street, to a place called High Park, and a little below the houſe of a *Mr.* Byrom, his ſaid late maſter told examinant that he was going to meet a gentleman, but who he did not

mention

mention, but said his whole dependance was upon it; that immediately after his late master had expressed those words, Drs. M'Cartney and Park passed them in a chaise, and the chaise stopped near to the Park Chapel, and examinant and his late master came up to the chaise, when Dr. M'Cartney was getting out, and his late master told Dr. M'Cartney that it was examinant's fault for being so late; that his late master and Dr. M'Cartney went down the fields together, but Mr. Park stopped in the chaise, but previous to his master going with Dr. M'Cartney he ordered examinant to get into the chaise, to Mr. Park, which he did; that the chaise was placed in such a situation as examinant could see both his late master and Dr. M'Cartney go along the fields, and examinant observed that they went down into a dingle, which he understood is called Knots Hole, and he there lost sight of them; that, in about five minutes after they were out of sight, examinant heard the report of a pistol or gun, which this examinant thought came from the dingle into which his late master had gone into; that examinant then immediately opened the chaise door, got out of the chaise and went over the fields, in the same direction as his said late master and Dr. M'Cartney had gone, and about half way from the chaise to the dingle, he met a gentleman, and Mr. Sparling a little behind him, and the gentleman had a small box under his arm; that the gentleman, who examinant did not know, said to examinant "What the Devil brought you here?" that Mr. Sparling then said, "Go down, there is a gentleman dangerously hurt!" that examinant went forward, and when he came to the dingle he saw his master standing, but supported by Dr. M'Cartney, and he had his hand upon his right side; that examinant went up to his late Master, who desired examinant to go and get some assistance, which he did, and he was got into the chaise in which Mr. Park had been in, and was brought home to his own house in Liverpool; that this examinant being asked by Mr. Booth, one of the jurymen, if he heard more than the report of one pistol or gun, he saith that he heard only one report.

Sworn before me, PATRICK DIGNAN.

WILLIAM HARPER.

(No. III.)

Examination of Simon Bozzon.

Simon Bozzon, of Liverpool aforesaid, chaise-driver, being sworn and examined, deposeth and saith, that he is a chaise-driver at the Royal Hotel, in Liverpool, that on Sunday morning last, he was called out of bed about half past five o'clock—that at six o'clock he was ordered to the door with a chaise by Mr. Sparling's servant—that he knows Mr. Sparling—that a few minutes after six o'clock Mr. Sparling and a gentleman this examinant does not know, got into the chaise and examinant was ordered to drive them to the Park Chapel—that he did drive them to the Park Chapel, where the chaise stopped, and Mr. Sparling and the gentleman with him got out, and Mr. Sparling said examinant must wait, for that they might be back in half an hour—and they both went over a gate into a field, and from thence to a place called Knot's-hole—that after they were gone examinant heard the report of two pistols, which this examinant says proceeded from towards Knot's-hole—that in about half an hour after the chaise arrived, and after he had heard the report of the two pistols, another chaise came up, and in it were Dr. M'Cartney and Mr. Park, and they stopped some short time in the chaise, and then Mr. Grayton and his servant came up—that Dr. M'Cartney got out of the chaise

and

and Mr. Grayſon and he went down the field the ſame way as Mr. Sparling and the gentleman with him had gone—and Dr. M'Cartney had with him a ſmall box, as alſo had the gentleman who was with Mr. Sparling—that after Mr. Grayſon and Dr. M'Cartney had got out of ſight, in about ten minutes he heard the report of a piſtol or piſtols, and in the courſe of a few minutes after ſuch report he ſaw Mr. Sparling and the gentleman with him running towards the chaiſe—that they got into the chaiſe and Mr. Sparling told examinant to drive to Liverpool as quick as poſſible, and to ſtop at Mr. Ralph Benſon's, in Duke-ſtreet, and to give his compliments to Mr. Benſon, and to ſay that he (Mr. Sparling) had taken a walk into the country and was very well—that examinant drove to Mr. Benſon's, and after delivering his meſſage he drove them to the Royal Hotel, and from thence to the Parade Slip, where he ſaw them get into a boat, and he has neither ſeen or heard of them ſince.

his
SIMON ✕ BOZZON,
Mark.

Sworn before me,
WILLIAM HARPER.

(No. IV.)

Examination of Mr. Park.

Henry Park, of Liverpool aforeſaid, ſurgeon, being ſworn, depoſeth and ſaith, that on Sunday morning laſt, a little before ſeven o'clock, a carriage ſtopped at examinants door, and a violent ring of the bell, and in a few minutes one of examinants boys came up into his room and ſaid Dr. M'Cartney wanted examinant to go with him into the country, to ſee a patient. That examinant got up but before he had half dreſſed himſelf, the boy came up again and ſaid Dr. M'Cartney was in a violent hurry, and examinant replied that he would come down as ſoon as he had got his cloaths on—that when examinant was dreſſed he came down to Dr. M'Cartney, and he ſaid to the Doctor, what is to be done—that the Doctor replied "Step in (pointing to the chaiſe) I am in great haſte, and ordered the driver to drive as faſt as he could to the Park Chapel—that the driver drove at a great rate, and when they got ſome diſtance from the town and near to the Park Chapel, he then explained to examinant the buſineſs between Mr. Sparling and Mr. Grayſon—that examinant told Dr. M'Cartney that he was much hurt to be called upon a buſineſs of that kind in ſo unprepared a manner—had examinant had any notice of the meeting he would not have come from home, without having peace-officers to have prevented the buſineſs, that however likely examinant had been, when a young man, to attend a buſineſs of that kind, it had been many years his determination not to attend any deciſions of that kind unaccompanied by peace-officers, or words to that effect. That Dr. M'Cartney replied, that he was ſorry examinant had not had notice, if that would have been examinants conduct—that the chaiſe ſtopped at the Park Chapel, and examinant then ſaid he would not go any further—that Dr. M'Cartney then ſaid, will you not go to the ground—examinant replied he would not—that he then aſked examinant if he would ſtop in the chaiſe, which examinant did, and Mr. Grayſon's ſervant came into the chaiſe to him—that examinant remained in the chaiſe a little below the Park Chapel, and the reaſon he ſo ſtopped, was, that well-knowing that it was not poſſible to get peace-officers, and that a few minutes was to decide the buſineſs, if he went away it might prevent examinant from rendering an individual an eſſential ſervice—that he, this examinant did not know that he had any authority

to

to prevent the buſineſs—that after Dr. M'Cartney had gone from examinant about ten or fifteen minutes, he heard the report of a piſtol or piſtols, and in a few minutes afterwards he ſaw two gentlemen running up the field towards examinant—that examinant jumped out of the chaiſe and ran to meet them—that when he came near them, he found one to be Captain Samuel Martin Colquitt, of the navy, and the other to be Mr. William Sparling—that when he came up to them, Captain Colquitt ſaid to examinant, Mr. Park make haſte, Mr. Grayſon is wounded—that examinant ran down towards the dingle, and about the middle of the dingle examinant ſaw Mr. Grayſon moving very ſlowly, leaning upon Dr. M'Cartney and another perſon whom examinant did not know—that when examinant got up to Mr. Grayſon he ſaid he could not move another ſtep and begged to ſit down, for that he ſhould fall, as he could not ſtand any longer—that he appeared to examinant to be in great pain, and the outſide of the right thigh of his breeches was very bloody, and examinant obſerved a hole in the breeches of Mr. Grayſon, a little below the right hip—that by this time three or four men came up, and with their aſſiſtance, Mr. Grayſon was got into the chaiſe, and Dr. M'Cartney went into the chaiſe with him—that examinant walked on towards Mr. Grayſon's houſe, where he arrived before the chaiſe—that when the chaiſe arrived, he ſpoke to Dr. M'Cartney and ſaid, that the injury examinant apprehended, was a very important one, and that perhaps more lives than one might be at ſtake, and the peace of mind of ſeveral families concerned, examinant did not like the reſponſibility to be upon himſelf, and therefore wiſhed to have a conſultation—that while they were getting Mr. Grayſon out of the chaiſe, examinant went for Dr. Lyon—that when examinant returned with Dr. Lyon, they aſſiſted in getting Mr. Grayſon to bed, and they then proceeded to examine the wound—that this they found apparently made by a ball, and ſituated in the upper and outer ſide of the right thigh, rather more forward, nearly oppoſite to the joint of the hip—that it was ſome time before they could diſcover the courſe of the ball, there was ſo much bruiſe in the ſurrounding parts, and the ſkin ſo much detached from the muſcles, that, after ſome time, they found that the courſe of the ball went perpendicularly towards the joint—that they enlarged the external wound a little, in order that they might make their examination with more eaſe—that they then found that the ball had paſſed in a direction towards the head of the thigh bone, to the full length of the finger at that depth, Dr. M'Cartney and Dr. Lyon were pretty confident they felt the ball, but this examinant was not quite ſo confident, but thought he felt the ball—that they then very naturely conſidered the practicability of extracting the ball, and the propriety and ſafety of attempting it—that it was judged proper not to attempt it—that the ſaid Mr. Grayſon lingered under this wound until this Morning, a little before three o'clock, and then died, and this examinant has no doubt but that his death was in conſequence of that wound—that this afternoon, on opening the body, this examinant and Dr. Lyon found a ball had penetrated the head of the thigh bone, within the joint, and that the neck of the thigh bone was broken through, in an oblique direction, and there were likewiſe ſeveral ſmall ſplinters—that on taking out the head of the bone they found that the force of the ball had cracked the bottom of the ſaccate, and the ligaments and muſcles ſurrounding the head of the bone was in a mortified ſtate.

P. PARK.

Sworn before me,

WILLIAM HARPER.

No.

(No. V.)

Examination of George Stavert.

George Stavert, of Liverpool, ſurgeon, being ſworn and examined, depoſeth and ſaith that on Sunday morning laſt but one, the 26th of Feb. laſt, Mr. William Sparling called at examinants houſe in Duke-ſtreet, Liverpool, before eight o'clock in the morning, examinant ſaw him for he came up as examinant was dreſſing, Mr. William Sparling ſaid that he had that morning put a ball into Mr. Grayſon, or words to that effect, and that he had called to deſire examinant to write to his (Sparling's) mother, to ſay that he was ſafe, that Sparling ſaid that he had called the day before on examinant, to ſay that he would dine with him on that day, (Sunday) but that it was then neceſſary he ſhould go out of town, that examinant then ſaid, he hoped Mr. Grayſon was not materially injured; that Sparling ſaid, he hoped not, for that Mr. Grayſon made a very great noiſe, that Sparling then went away, that the whole tenor of Mr. Sparling's manner ſeemed to be agitated.

GEORGE STAVERT.

Taken and ſworn the 5th day of March, 1804, before
WILL. HARPER.

(No. VI.)

Examination of Edward Brooks.

Edward Brooks, of Liverpool, officer in the cuſtoms, being ſworn and examined, depoſeth and ſaith, that he has ſeen Samuel Martin Colquit, a captain in his Majeſty's Navy, write, and thinks that he knows his hand-writing, ſaith, that the paper-writing now produced, and ſhewn to this examinant, purporting to be a letter with the ſignature of the ſaid Samuel Martin Colquitt, is, as examinant verily believes and conceives, of the hand-writing of the ſaid Samuel Martin Colquitt.

EDWARD BROOKS.

Taken and ſworn the 5th day of March, 1804, before
WILL. HARPER.

The following is a Copy of the Letter referred to in the above Examination.

Royal Hotel, Liverpool, Saturday, Feb. 25, 1804.

Sir, Having underſtood that Mr. G—— was to be at your houſe within one hour after I left it, and that immediately on ſeeing him, you would not delay imparting to me his determination upon the ſubject of our diſcuſſion: I have to requeſt you will upon receipt of this, make the ſame known to me, or in failure thereof, to ſtate to Mr. G——, that Mr. S. will expect to meet him at the appointed place at 7 o'clock preciſely to-morrow morning.

I am, Sir, Your very humble ſervant,
SAL. M. COLQUITT.

Dr M'Cartney.

(No. VII.)

Inquiſition on the Body of Mr. Edward Grayſon.

Borough of Liverpool, in the County of Lancaſter, } *to wit.*

An Inquiſition indented and taken at Liverpool aforeſaid, on Monday the fifth day of March, in the forty-fourth year of the reign of our Sovereign George the third over Great Britain, &c. and in the year of our Lord one thouſand eight hundred and four, before William Harper, Eſq. Mayor,

Mayor, and one of his Majeſty's Juſtices of the Peace in and for the ſaid Borough, and alſo one of his Majeſty's Juſtices of the Peace in and for the county of Lancaſter, in the abſence of Jonas Bold, Eſquire, Coroner of our Sovereign Lord the King, within the ſaid Borough, on view of the body of Edward Grayſon, late of Liverpool aforeſaid, Ship-builder, then and there lying dead, upon the oaths of Arthur Heywood, John Johnſon, John Brancker, Thomas Moſs, John Tarleton the younger, William Molyneux, William Rigg, William Lawſon, Daniel Allen, Edward Dickſon, George Booth, and James Penny, twelve good and lawful free Burgeſſes of the ſaid Borough, who being all duly ſworn and ſtrictly charged to enquire, on behalf of our ſaid Lord the King, when, how and after what manner, the ſaid Edward Grayſon came to his death, and having viewed the body of the ſaid deceaſed and heard the evidence of witneſſes produced, ſworn and examined, touching his death, do ſay, upon their oaths—that William Sparling, late of the Borough aforeſaid, Eſquire, and Samuel Martin Colquitt, late of the ſame place, Eſquire, not having the fear of God before their eyes, but being moved and ſeduced by the inſtigation of the Devil, on the twenty-ſixth day of February, in the year aforeſaid, with force and arms, at the pariſh of Walton, in the county of Lancaſter, in and upon the ſaid Edward Grayſon, in the peace of God and our ſaid Lord the King, then and there being, feloniouſly, wilfully and of their malice aforethought, did make an aſſault, and that the ſaid William Sparling, a certain gun or piſtol, of the value of ſix ſhillings, charged and loaded with gunpowder and a leaden bullet, which he, the ſaid William Sparling, then and there held in his hand, to, at and againſt the body of him the ſaid Edward Grayſon, did then and there ſhoot off and diſcharge, by means whereof, he, the ſaid William Sparling, feloniouſly, wilfully and of his malice aforethought, did then and there give unto him the ſaid Edward Grayſon, with the leaden bullet aforeſaid, ſo as aforeſaid ſhot off and diſcharged out of the piſtol or gun aforeſaid, by the force of the gunpowder aforeſaid, in and upon the right thigh of him the ſaid Edward Grayſon, near the hip bone, one mortal wound, of the depth of three inches and of the breadth of two inches, of which ſaid mortal wound, he the ſaid Edward Grayſon, on the ſame day, for the ſpace of ten minutes, at the pariſh of Walton aforeſaid, and afterwards in and at the ſaid Borough, from the ſaid twenty-ſixth day of February to the fourth day of March, inſtant, did languiſh, and languiſhing did live, on which ſaid fourth day of March, he the ſaid Edward Grayſon, at the Borough aforeſaid, and within the juriſdiction of the ſaid Coroner, of the mortal wound aforeſaid, did die, and the jurors aforeſaid, upon their oaths aforeſaid, do further ſay, that the ſaid Samuel Martin Colquitt, at the time of the committing the felony and murder aforeſaid, feloniouſly, wilfully and of his malice aforethought, was preſent abetting, aiding, aſſiſting, comforting and maintaining the ſaid William Sparling, to kill and murder the ſaid Edward Grayſon, in manner aforeſaid, and ſo the jurors aforeſaid, upon their oaths aforeſaid, do ſay that the ſaid William Sparling and Samuel Martin Colquitt, him the ſaid Edward Grayſon, in the manner and by the means aforeſaid, feloniouſly, wilfully and of their malice aforethought, did kill and murder, againſt the peace of our ſaid Lord the King, his Crown and Dignity.—In Witneſs whereof, as well the ſaid William Harper as the Jurors aforeſaid, have to this Inquiſition ſubſcribed and ſet their hands and ſeals the day and year firſt above-written.

ARTHUR HEYWOOD,	JOHN TARLETON, jun.	DANIEL ALLEN,
JOHN JOHNSON,	WM. MOLYNEUX,	EDW. DICKSON,
JOHN BRANCKER,	WM. RIGG,	GEO. BOOTH, and
THOMAS MOSS,	WM. LAWSON,	JAMES PENNY.

THE

TRIAL AT LARGE, &c.

INDICTMENT.

(County of Lancaſter, to wit.)

THE Jurors for our Lord the King upon their oath preſent that William Sparling late of the pariſh of Liverpool in the county of Lancaſter Eſquire and Samuel Martin Colquitt late of the ſame place Eſquire not having the fear of God before their eyes but being moved and ſeduced by the inſtigation of the devil on the twenty-ſixth day of February in the forty-fourth year of the reign of our Sovereign Lord George the Third of the united kingdom of Great Britain and Ireland King defender of the faith with force and arms at the pariſh of Walton in the ſaid county of Lancaſter in and upon one Edward Grayſon in the peace of God and our ſaid Lord the King then and there being feloniouſly wilfully andof their malice aforethought did make an aſſault and that the ſaid William Sparling with a certain piſtol of the value of ſix ſhillings then and there charged and loaded with gunpowder and one leaden bullet which ſaid piſtol he the ſaid William Sparling in his right hand then and there had and held at againſt and upon the ſaid Edward Grayſon then and there feloniouſly wilfully and of his malice aforethought did ſhoot and diſcharge and that the ſaid William Sparling with the leaden bullet aforeſaid out of the piſtol aforeſaid then and there by force of the ſaid gunpowder ſhot and diſcharged him the ſaid Edward Grayſon in and upon the right thigh of him the ſaid Edward Grayſon near the hip bone of him the ſaid Edward Grayſon did then and there feloniouſly wilfully and of his malice aforethought ſtrike penetrate andwound thereby then and there feloniouſly wilfully and of his malice aforethought giving to the ſaid Edward Grayſon in and upon the ſaid right thigh of him the ſaid Edward Grayſon near the hip bone of him the ſaid Edward Grayſon one mortal wound of the depth of four inches and of the breadth of half an inch of which ſaid mortal wound he the ſaid Edward Grayſon on the day and year aforeſaid and from thence continually until the fourth day of March in the year aforeſaid as well at the pariſh of Walton aforeſaid as at the pariſh of Liverpool aforeſaid in the county aforeſaid did languiſh and languiſhing did live on which ſaid fourth day of March in the year aforeſaid the ſaid Edward Grayſon at the

the parish of Liverpool aforesaid in the said county of Lancaster of the mortal wound aforesaid died And the Jurors aforesaid upon their oath aforesaid do further say that the said Samuel Martin Colquitt on the said twenty-sixth day of February in the year aforesaid at the parish of Walton aforesaid in the county aforesaid feloniously wilfully and of his malice aforethought was present aiding helping abetting comforting assisting and maintaining the said William Sparling in the felony and murder aforesaid in manner and form aforesaid to do and commit And so—the Jurors aforesaid upon their oath aforesaid do say that the said William Sparling and Samuel Martin Colquitt him the said Edward Grayson in manner and form aforesaid feloniously wilfully and of their malice aforethought did kill and murder against the peace of our said Lord the King his crown and dignity.

The preceding indictment was found by the GRAND JURY, of which the following is a list:

SIR THOMAS DALR. HESKETH, Bart. Foreman.
John Aspinall, of Standen-Hall,
William Fitzherbert Brockholes, of Claughton-Hall,
John Bradshaw, of Lancaster,
Thomas Clayton, of Little Harewood,
Henry Fielden, of Wilton House,
Charles Gibbon, of Quermore,
Edward Greenhalgh, of Myerscough-Hall,
Bold Fleetwood Hesketh, of Rossal,
Robert Hesketh, of Wennington,
Henry Hulton, of Preston,
John Hargreaves, of Ormerod,
Henry Reynolds Hinde, of Rufford,
Bertie Markland, of Cuerden,
James Machell, of Hollow Oak,
Thomas Parker, of Alkincoats,
Thomas John Parke, of Liverpool,
Edmund Rigby, of Effel Grange,
Henry Sudell, of Wood Fold,
Edmund Thornton, of Whittington, and
Henry Adderley Wright, of Roe Field, Esqrs.

ASSIZES

ASSIZES AT LANCASTER,

APRIL 4, 1804,

Before Sir ALAN CHAMBRE, Knight.

NAMES OF THE JURORS.

John Whittenbury,	Manchester,	not present.	
Samuel Meanley,	Ditto,	*challenged by the prisoner.*	
Matthew Corr Dawes,	Great Bolton,		1
John Scholfield,	Ditto,		2
John Edenfor,	Hulme,	not present.	
William Thornley,	Ditto,	*challenged by the prisoner.*	
Humphrey Harper,	Ardwick,	*challenged by the prisoner.*	
Abraham Clegg,	Oldham,	not present.	
Thomas Jones,	Walton near Liv.	not present.	
John Howard,	Walton near Liv.	not present.	
James Brook,	Toxteth Park,	*challenged by the prisoner.*	
Thomas Holloway,	Ditto,	not present.	
Roger Leigh,	Ditto,	not present.	
William Speakman,	Tyldesley-with-Shackerley,		3
Thomas Smith,	Ditto,		4
James Worsley,	Lowton,	*challenged by the prisoner.*	
Ralph Leigh,	Ditto,		5
Thomas Miller,	Stalmine,	*challenged by the prisoner.*	
Joseph Armstrong,	Manchester,	*challenged by the prisoner.*	
Benjamin Marsland,	Oldham,	not present.	
John Taylor,	Ditto,	not present.	
Benjamin Muschamp,	Burnley,		6
Christopher Hartley,	Ditto,		7
Thomas Hadwen,	Heysham,	not present.	
William Kew,	Scotforth,	excused on account of age.	
William Lawson,	Carnforth,	*challenged by the prosecutors.*	
John Parkinson,	Ellel,		8
Richard Alsop,	Manchester,	*challenged by the prisoner.*	
Oliver Duxbury,	Ditto,	*challenged by the prisoner.*	
Thomas Morris,	Great Bolton,		9
John Pooley,	Hulme,	*challenged by the prisoner.*	
Samuel Arrowsmith,	Tyldesley-with-Shackerley,		10
James Shuttleworth,	Ditto,		11
Thomas Crallan,	Ardwick,	not present.	
Thomas Dickinson,	Stalmine,		12

Counsel for the Crown.
Mr. Serjeant COCKELL, Attorney-General, for the County Palatine of Lancaster,
Mr. SCARLET,
Mr. CLARK.
Attornies.
Mr. ELLAMES and Mr. NORRIS.

Counsel for Defendants.
Mr. PARK,
Mr. WOOD,
Mr. TOPPING,
Mr. RAINCOCK,
Mr. HEALDE.
Attorney.
Mr. WM. STATHAM.

(The Indictment was opened by Mr. CLARK.)

Mr. SERJEANT COCKELL.

May it please your Lordship—Gentlemen of the Jury,

I am also of counsel for the Crown on the part of the prosecution against the two prisoners at the bar, William Sparling, Esq. and Samuel Martin Colquitt, who stand charged by an indictment of the grand jury of this county, with the crime of wilful murder of the late Mr. Edward Grayson, of Liverpool, on the 26th of February last. And gentlemen, before I proceed to state to you the circumstances of this case, as I perceive this is a trial of great interest, and has made probably a great deal of noise in the county, and as there have been on both sides rumours, some of which perhaps are not founded in fact and others not proved, therefore I do solemnly entreat you for the sake of the due administration of justice, if any such reports have reached the ears of any of you, that you will dismiss every thing of the kind from your minds, and that you will decide between the prosecutors and the prisoners at the bar this day, upon the establishment of those facts that will be laid before you.—And gentlemen, that you may decide upon these facts, the application of the law to the facts themselves shall be laid down to you by the very learned judge who sits here for the purpose.—Gentlemen, although these two prisoners are men of rank and fortune in life, I am quite sure you will deal with their cases as you have done with the cases of other prisoners who have been before you, unattended by the aid of fortunes, solitary and forlorn. The law of England knows no distinction of persons; the highest subject is not beyond its reach, the lowest is not beneath its protection—it is like the sun which shines on all alike.

Gentlemen, before I detail the circumstances of this case, it will be necessary for your better understanding of it to state to you what the law is as applied to the case under consideration. Mr. Sparling, you see, is indicted for having given a mortal wound to Mr. Edward Grayson, of which he died. The other gentleman Captain Colquitt, is indicted for having been present when that wound was given, aiding, abetting and assisting Mr. Sparling. Now, gentlemen, the law of England is positive upon this subject—it is this—that if two or more persons go out in cool blood and with deliberate purpose to fight a duel with deadly weapons, and other persons besides these are present, aiding, abetting and assisting, they are as much involved in the guilt of murder, as is the hand, or rather the person by whose hand the wound is given. Therefore if from the evidence that shall be laid before you, you shall find that Mr. Grayson came to his end by the hand of one of the prisoners in a way deliberated, premeditated, planned, and determined upon long before it took place, and that Mr. Colquitt knowing of that premeditation, knowing of that plan and purpose, associated himself with the other prisoner Mr. Sparling, who went out with him, I know not what conclusion can take place but one—the law, (if the facts are made out) has said, that that man must be punished; the law, Gentlemen, is precise, and no man ought to affect to be wiser than the law.

Gentlemen, having premised this, I shall now proceed to state to you the circumstances that have given rise to this prosecution.—I ought to say, however, that there are circumstances in some parts of the business—some of the circumstances which I am not in a condition to state to you. There are letters, not in my possession which, as my learned friends have not told me whether they will produce or not, I ought not and cannot pretend to state these circumstances to you. If I had these letters I could state them. I should have been glad to have had them if they would have availed the prisoners, God forbid that I should withhold any thing that makes for a prisoner—

For, Gentlemen, I intend to profecute this caufe with the mercy which becomes the Crown; but, at the fame time, with that zeal which it becomes an Officer of the Crown to exercife for the protection of the lives of his Majefty's fubjects. Gentlemen, you will find that Mr. Grayfon came to his end, as this indictment charges, by the hand of Mr. Sparling—no doubt Mr. Colquitt came upon this occafion in the character of what is termed a Second.

I know not gentlemen, what could have occafioned the letter which I am now very fhortly to introduce to your notice, unlefs it is that fomething or other which I cannot in this ftage of the bufinefs ftate, had hurt the feelings of the unfortunate gentleman who is now no more;—and that under the impreffion that a branch of his family had been injured, he had with an honeft warmth, with that natural feeling that attends us all, and which the great God has implanted in our nature, fpoken feelingly thefe words, "I will chaftife him." By fome means or other, I hope it was accidental, but by fome ill means or other, in an evil hour, thefe fame words that were fuppofed to have been fpoken by Mr. Grayfon, were conveyed to the prifoner—Mr. Sparling. What the occafion of thefe words was, that, I fuppofe you will be told by my learned friends—but what were the particulars of that converfation with Mr. Sparling when thefe words were communicated, and what was the occafion of that converfation, Mr. Grayfon never to his dying hour underftood—perhaps we may hear to-day—whether this letter was written before or immediately after that communication, may be a circumftance for your confideration with regard to the temper of mind in which Mr. Sparling was.

However, Gentlemen, I think fo far back as the 19th of September, 1803; (Mr. Sparling then in London, Mr. Grayfon at Liverpool) he wrote the letter which I fhall now read to you:—

The duel, obferve Gentlemen, did not take place till five long months and more had elapfed after giving the challenge; all which time Mr. Sparling had to reflect and to confider. Gentlemen, in point of law, where a fudden quarrel happens, and the blood is heated, and perfons acting under the immediate impulfe of paffion go out, it has been held in cafe of death enfuing, that it was manflaughter only; but fo jealous is the law upon that fubject that if the blood has time to cool which was once heated, and reafon to refume her functions, in that cafe the law holds it murder—and the law holds the fpace of an hour, when the fubject of altercation is removed from the thoughts, to be a fufficient time in which the heat of paffion and fervour of the mind ought to die away.

If Mr. Sparling was agitated at the time he wrote this letter, he had five long months and more as you will find for mature deliberation, or to have put the matter in another way. Gentlemen, the letter is a remarkable one, and carries along with it I cannot help faying, as much malice to engage, as much keennefs to draw the object of his anger to a duel, and as much coolnefs as I ever read in my life. When I read the letter you will obferve he does not offer Mr. Grayfon the means of apologifing if he had done wrong, he does not tell him the nature of the converfation, he only upbraids him with ufing certain words which I will read to you by and by. The occafion of thefe words he never takes the leaft notice of, but he calls upon him to fight at his (Mr. Sparling's) pleafure, he then being in London, but ready and determined to come down to Liverpool and engage him with deadly weapons. Gentlemen, the letter is in thefe words:

"*London, Webb's Hotel, King-ftreet, Covent-Garden.*

"*Sir,*

"*In my abfence you have expreffed a wifh to chaftife me,*"—not ftating how that wifh arofe, or what occafioned the wifh to be expreffed—not a word

of the fort; Mr. Sparling does not chuse to state or to meddle with any thing of that kind—"*and have asserted that you did not know where to find me,*", —now mind, gentlemen, what language follows—which was used with no other design, I conceive, than to heat the blood of Mr. Grayson, who was naturally of a warm temper, and to render him an easy prey to the malice and revenge of Mr. Sparling,—"*Your assertion is false,*"—very grating to a man of honour! A man who is sore of his own honour ought to be tender of the honour of others, and if the dignity of Mr. Sparling was hurt and offended by saying that he was to be chastised, he ought to have guarded his own language, and in proportion as he regarded his own feelings he ought to have been tender of the feelings of others,—"*Your assertion is false—you know where to find me now,*"—very cool you will find in what follows! he makes nice calculations as to the time when the letter will be received, and answered by him, and when he will be down at Liverpool. "*You will receive this on Wednesday the 21st inst.*"—This letter being dated on the 19th,—"*Your answer by return of post,*"—Pretty imperious! having given him no opportunity of explanation,—"*Your answer by return of post, and this I insist upon,*—" peremptory language!—"*will reach me on the 23d, on which day I purpose leaving London; on the Monday*"—now, gentlemen, I cannot but make a remark on this—here is a manifest challenge on the part of Mr. Sparling—he writes a letter, and he insists upon having the answer immediately; and here he seems to be insidiously endeavouring to make Mr. Grayson the challenger, for he says—"*I shall be able to attend you at any place in the neighbourhood of Liverpool, that you may think proper to appoint.*"—Why Mr. Grayson was not the challenger; he wanted not to go forth, and yet when he requires the answer by return of post, he could put it as if Mr. Grayson was to have appointed this place, and if Mr. Grayson had done that, he might have been considered not as the accepter but as the giver of the challenge. Gentlemen, Mr. Grayson gave an answer to this letter, yet as I cannot prove it was put into the post-office, I cannot produce it; but that there was one, you will find from the next letter of Mr. Sparling's;—Gentlemen, this letter was answered, and about the first of October a second letter comes from this Gentleman; and I cannot help observing that his anger seems to encrease, for you will observe in what manner he writes the answer—

"*October 1st*, 1803.

"SIR,

"*Your reply to my letter of the 19th ult. reached me this day. The possibility of your being absent from Liverpool, hindered my noticing your silence, otherwise than by desiring Capt. Colquitt.*"—now I should tell you, when I state this, that though Mr. Sparling speaks of Capt. Colquitt, this speaking of him will not involve Capt. Colquitt—but this letter introduces the name of Capt. Colquitt so early as the first of October, 1803, the duel not having been fought till the 26th February, 1804,—"*the possibility of your being absent from Liverpool hindered my noticing your silence,*" he would have been induced to it if he had not thought that it was possible he might have been absent: "*otherwise than by desiring Capt. Colquitt to contradict your statement by quoting my letter.*" I do not very well understand what that means—"*You deny though in ungentlemanlike terms having asserted that you did not know where to find me; but decline denying having threatened to chastise me, fearing that your language might have been misconstrued. My authority is Major Brooks,*"—he does not give the conversation—"*who affirms having heard you use the expressions you now deny. In a subsequent part of your letter you inform me that I should have heard from you at an earlier period.*"—Now, gentlemen, I beg you will understand that all which this gentleman chooses to write in his letter is no proof that the facts exist. If Mr. Grayson's answer is produced you will have to see whether this statement was found in his letter,

Becauſe he chooſes to ſay ſo, it does not follow that it was ſo—the letter of Mr. Grayſon will prove it, becauſe it was ſo if he wrote it. If it is not produced you are not to conclude that it was ſo. "*In a ſubſequent part of your letter you inform me that I ſhould have heard from you at an earlier period but that you expected to have been anticipated by others,*"—ſo he chooſes to ſay—"*You add that theſe motives of delicacy ceaſe to exiſt,*"—ſo he chooſes to ſay—if the letter is produced it will be for you to ſay whether it was ſo, Gentlemen, really it harrows up my mind when I read this part of the letter,—"*As you are a family man you may claim delay. I have only to add that your ſummons will find me at Petton, near Elleſmere.*"—So full fraught was Mr. Sparling with executing his purpoſe, that whether he is at London or at Elleſmere, he pants for the moment and he is ready to come, upon the ſummons. Mr. Grayſon *was* a family man and that family now bewail his loſs. This letter occaſioned him to aſk delay, if his letter is produced you will hear that Mr. Grayſon was not ſo prompt, ſo ready, and ſo deſirous of going to the field. He had anxious concerns to arrange and ſettle, he had parental feelings which he could not extinguiſh. He had all that about him—his family and his affairs that made ſuch an appeal horrible to virtue. Gentlemen, that is not all—happily it was that ſome delay was condeſcended to Mr. Grayſon. Seeing delay was condeſcended—then, gentlemen, other letters paſſed which for reaſons I have already given it is not in my power to ſtate—they are in the hands of this gentleman, and if he does not produce them I have not the means of introducing the copies. Then comes a letter which it is not in the power of man to explain away. Theſe are not expreſſions proceeding from a man heated in paſſion, they are not words collected at the moment by any thing aggravating—they are words coolly and deliberately put down in writing, carried in his mind as he has conveyed them in his letter—now you ſhall ſee what it is.

Before I read the contents of it Gentlemen, you will readily perceive that Mr. Grayſon has certainly ſtated to him the grounds upon which he (Mr. Grayſon) if he ſaid any thing, I ſay, he has ſtated to him upon what grounds he ſaid it: Attend Gentlemen to this letter—

"*Petton, October 9th*, 1803.

"*I this evening received your letter of the ſixth inſt. To prevent the delay*"—always the caſe when he writes upon this ſubject—"*of an alternate poſt, I ſend this to Cheſter*"—unneceſſary meaſure!!—"*I will not explain my conduct to you or to Dr. M'Cartney,*"—why here, gentlemen, though his (Mr. Grayſon's) letter is not before you, this gentleman has ſupplied this, that Mr. Grayſon had called for ſome explanation; and this he ſays he would not give him. It is plain from the anſwer that ſomething of this ſort had been required—then he ſays—"*I will not explain my conduct to you or to Dr. M'Cartney,*"—I wiſh this ſentiment was not in this letter—"*but briefly remark that female honor, virtue and innocence have nothing to do with the point in queſtion. Thoſe qualities of Miſs A. Renſhaw remain as I found them.*"—Gentlemen, probably, if that letter was produced before you, you would find what were the feelings of Mr. Grayſon.—But, however, if "female honor, virtue and innocence have nothing to do with the point in queſtion," we ſhall learn what was the point in queſtion. And now, Gentlemen, we ſhall find in the letter of this gentleman, the ground and foundation upon which he proceeded with all this perſevering malice, hatred and malignity. "Female honor, virtue and innocence have nothing to do with the point in queſtion. Thoſe qualities of Miſs A. Renſhaw remain as I found them" Now let us ſee then what was the foundation, we do not want conjecture, we have no occaſion to look for it from circumſtances, he gives it himſelf in his own letter.—"*It is an attempt on my part to puniſh you for your inſult-*

ing language." So the whole cauſe of this duel was the inſulting language he had uſed! " It is an attempt on my part to puniſh you for your inſulting language."—For God's ſake, Gentlemen, look at his heart, through the medium of his letter when you hear what follows:—" *And this I will execute or periſh in attempting it.*"—Why what is this but in cool blood, ſaying, I will loſe my life or I will take yours.—It admits of no other conſtruction than either you ſhall have my life, (I will run the riſk) or I will have yours. " It is an attempt, on my part, to puniſh you for your inſulting language, and this I will execute or periſh in attempting it."—Why, Gentlemen, this is a bold attempt, and a bloody declaration, written upon premeditated determination, the explanation and determination expreſſed in the ſtrongeſt language, a determination to put the iſſue of theſe words upon a bloody and murderous conteſt. Now the coolneſs, Gentlemen, which follows in this letter is really aſtoniſhing.—*Capt. Colquitt will enquire the motives of your delay.*"—You ſee then he was ſtill wiſhing to poſtpone the evil hour—his ſituation in life made it neceſſary—as a man, as a father, and as a chriſtian ſo to do, and he was arguing to this gentleman, delay, and reaſons for delay.—He (Mr. Sparling) does not condeſcend to notice them himſelf, but with a coldneſs extraordinary. " Captain Colquitt will enquire the motives of your delay."—How very anxious was he that the time ſhould arrive when he would put his bloody threats into execution. Why, Gentlemen, it ſeems to me, that Mr. Sparling imperiouſly makes the other gentleman the ſovereign judge to ſay how long this poor fellow ſhould live, and to deal out to him the time that ſhould take place between that moment and their meeting.—Gentlemen, I have now ſtated the letters that came from the pen of this gentleman. I am extremely ſorry that I have not yet ſtated all which came to Mr. Grayſon. There are yet others which I muſt lay before you—I feel it my duty ſo to do—I own it is with infinite pain that I come to ſtate, that you will find, I fear, that Captain Colquitt has aſſociated himſelf in the execution of all theſe purpoſes. The letter Gentlemen, that I next have, is a letter from Capt. Colquitt encloſing the laſt letter of Mr. Sparling, and this letter you will find is dated October 15th. I will ſhew you that it refers to this letter of the 9th, which has been read to you, and I will ſhew that in this letter of the 15th written by Capt. Colquitt, that knowing of the contents he adopts the contents, and acts upon them. This is a letter from Capt Colquitt, being at Liverpool, to Mr. Grayſon alſo there.

" *Mount Pleaſant, Oct.* 15, 1803.

" *The encloſed letter was received from Mr. Sparling.*"—You will find when it comes to be read, that it has no poſt-mark, it was therefore encloſed in another, received from Mr. Sparling " *three days ago,*" then he ſays, " *but my being ſo unwell as not to go out of the houſe,*"——he being at that time in Liverpool—" *has prevented me from perſonally waiting upon you to deliver it,*"—ſo that you ſee the time elapſed when by the courſe of the poſt it came to Captain Colquitt, to the time of Captain Colquitt's delivering the letter, brings it down to the date of the fifteenth of the month.—Why then here Gentlemen you find by the language of Capt. Colquitt, that he knew the contents of that letter.—"*Being of courſe*" (for he had injunctions before) "*acquainted with the contents,*" either by its being an open letter, or a copy having been ſent him.—"*I muſt requeſt your determination upon the ſubject therein mentioned: or if you have no particular objection, will be very glad to ſee you any time to day that you can make it convenient*"

He was waited upon by Mr. Grayſon, as I ſhould have had an opportunity of proving, but by an occurrence which has taken place, I ſhall be prevented from ſo doing. I have not all the evidence I expected, but I think I ſhall have ſufficient. Gentlemen, farther delay was given to this poor man, and you will find nothing was done in this matter, in the way

of writing at leaſt, till the day before that fatal day when Mr. Grayſon received his mortal wound.—But, Gentlemen, on the 25th of February, ſomething more than four months from the date of the letter which I laſt read, during which, all that miſchief had been lurking not only in the mind of Mr. Sparling, but in the mind of Captain Colquitt; Captain Colquitt then comes forward. You will find Mr. Sparling was not to be put off any longer—he could not delay what he ſo much wiſhed to accompliſh, he had come down to Liverpool for the purpoſe, and then this letter is written by Mr. Colquitt to a gentleman of the name of M'Cartney:

" *Saturday, February 25, 1804.*

" SIR,

" *Having underſtood that Mr. Grayſon was to be at your houſe within one hour after I left it, and that immediately on ſeeing him, you would not delay imparting to me your determination*"—You ſee at this time he had not made it up, you ſee the recollection of it was ſtill before him,—"*upon the ſubject of our diſcuſſions, I have to requeſt you will, upon the receipt of this, make the ſame known to me, or in failure thereof to ſtate to Mr. Grayſon, that Mr. Sparling will expect to meet him at the appointed place, at ſeven o'clock preciſely, to-morrow morning.*"—No further time was to be given, the period of this bloody conteſt was arrived, and on the morrow it muſt take place.

I have now ſtated to you, Gentlemen, all that I am in a condition at preſent to lay before you, with regard to the preceding ſteps which led to theſe diſaſtrous circumſtances, in which there is every thing of coolneſs, deliberation, aye, and as I ſaid before, of perſevering malice.

Let us ſee, however, how it was executed, and I will ſtate to you as accurately as I can, what took place on this fatal morning.

About half after ſix, (as you will find) Mr. Sparling, accompanied by Capt. Colquitt, drove to a place called Park Chapel, near Liverpool, in a poſt chaiſe, the chaiſe was ordered early and they arrived at this ground about half-paſt ſix; the time appointed, you obſerve, was ſeven. You will be informed, that the two gentlemen got out of the chaiſe, and that Capt. Colquitt had a little box under his arm; that box, I ſuppoſe, contained the inſtruments that were to be employed. They went into a field and deſcended into a hollow dingle that goes by the name of Knot's Hole.—After being there ſome little time, as you will learn, in evidence from a witneſs I ſhall call to you, the report of two piſtols or of two ſhots was heard, as if coming from the Hole. They were there by themſelves, and therefore, I can only give you that circumſtance; but the witneſs I ſhall produce heard the report of two ſhots, proceeding from guns or piſtols, and he thought the ſound came from that quarter, towards which theſe gentlemen were gone. Whether theſe ſhots were made by the one or the other of them, how they were made, or for what purpoſe we cannot tell, that is matter of conjecture. In about half an hour afterwards you will find another chaiſe came up, in which was a Gentleman whom I ſhall call before you as a witneſs, to day, a very reſpectable ſurgeon, in the town of Liverpool.—He did not know when he firſt ſet out, upon what errand he was going, it had been perhaps communicated to him before he reached the place, and he refuſed moſt undoubtedly, as you will learn, to go out of the chaiſe when he did know what the purpoſe was. In a ſhort time after the arrival of the ſecond chaiſe, Mr. Grayſon and his ſervant, who had walked from Liverpool, came up to the chaiſe of Dr. M'Cartney.—Dr. M'Cartney got out of the chaiſe, the other Gentleman, whom I have mentioned, remaining in the chaiſe, and the ſervant of Mr. Grayſon got into the chaiſe alſo. Mr. Grayſon and Dr. M'Cartney took the ſame road as had been taken by the two Gentlemen at the bar, and deſcended into this fatal

place. In a very ſhort time after that, (how long I don't know) but in a ſhort time the witneſſes I will produce before you heard one or two ſhots, one of them thought only one, there might be two, and yet the ſhots, or piſtols going off ſo nearly together, any ear but a nice one, might not diſtinguiſh them. Very ſoon after this, the ſervant of Mr. Grayſon left in the chaiſe, anxious to know, no doubt, what had paſſed, ran along the field (taking the ſame line of rout the gentlemen had gone,) towards the place, where Mr. Sparling and Capt. Colquitt were coming, or rather had come out ſomewhere within the field. Capt. Colquitt addreſſed the witneſs, "what the devil do you want." Mr. Sparling turned round, and ſaid, "make haſte there's a Gentleman dangerouſly wounded." I beg you to attend to the expreſſion. The ſervant went, he was followed by the ſurgeon Mr. Park, and God knows the repreſentation of the ſtate of the wound was but too true—he was wounded in a way that put recovery out of all expectation the moment the nature of it was aſcertained. He was at this time, (and from the nature of the wound it muſt be ſo) in the the moſt exeruciating miſery and pain, which occaſioned him to expreſs it as human nature will do, in mourning and agitation. He was taken home and ſuffice it to ſay, immediate aſſiſtance was had; he lingered ſeven days, and died upon the Sunday following—the wound was given on the Sunday, he lingered on a dying bed till the Sunday following, when at an early hour that morning he expired. Of the cauſe of his death, Gentlemen, there will be no doubt at all, and I am ſure there will be one thing in evidence to ſhew what the purpoſe of this gentleman was—the ball was not an ordinary piſtol ball, it was a muſket ball—he declared his purpoſe was deadly; he had ſupplied himſelf with effectual means of making it ſo; the ball will be produced before you. Having now diſpoſed of poor Mr. Grayſon, I will revert back to the conduct and actions of Mr. Sparling. What became of Captain Colquitt I do not know—I have no more evidence to detail to you with regard to Captain Colquitt (I have ſome with reſpect to Mr. Sparling) except one circumſtance, which if it does affect Captain Colquitt will be an exception. God forbid I ſhould prejudice either of them—but you will find that after they had come from the field and were paſſing the chaiſe that conveyed Dr. M'Cartney and Mr. Grayſon, one of thoſe gentlemen (Mr. S. and Captain C.) which of them I will not now ſay, did make uſe of an expreſſion that certainly I could have wiſhed had not been made uſe of; that expreſſion I will not give you, but it ſhall come out from the mouth of the witneſs; ſuffice it to ſay, it was an expreſſion of great ſatisfaction at what had happened. Mr. Sparling then ordered the poſt-boy to drive to the houſe of a gentleman of the name of Benſon—to drive quickly and to give his compliments to Mr. Benſon, and to tell him that he had taken a walk that morning into the country and that he was well. You ſee the inference is, that this buſineſs of Mr. Sparling had been communicated. He went afterwards to the houſe of a Mr. Stavert, he went up ſtairs to him, and I will now repeat to you what I underſtand he ſaid to Mr. Stavert—ſays he, "*I have put a ball into Grayſon this morning.*" "I have put a ball into Grayſon this morning! Good God! if a man's malice had been ever ſo great, one would have thought when he ſaw him in miſery and agony, he would have relented, at leaſt that there would have been ſome conſideration for the feelings of the poor ſufferer, inſtead of which, with the utmoſt coolneſs, "I have put a ball into Grayſon this morning!" He ſhews you, Gentlemen, that his mind was not only deliberate when he did the thing, but that the ſame ſort of revenge and malice was ſtill lurking there, and, Gentlemen, when with a ſurgeon, too. Now Gentlemen, Mr. Stavert ſaid, "I hope the wound is not dangerous." I ſtated to you that Mr. Sparling had before ſaid he

had received a dangerous wound, and I did it to ſhew you that his expreſſion was here different. "Why no," ſays he, "I hope not, he made a great noiſe." Why I don't know how he could collect the wound was not dangerous becauſe he made a great noiſe! But this, Gentlemen, is the expreſſion I am told he made uſe of.

I have now detailed to you the circumſtances of the caſe ſo far as they have come to my own knowledge, and as far as I am enabled by rules of law to ſtate them. I have already told you they are not all, but they are all that I am enabled to lay before you.

Gentlemen, it will not be impoſſible, though a painful and arduous duty, to decide this ſolemn and this important caſe.—The law of England has ſaid in this caſe no more than has been ſaid by the law of God, that—"Whoſo ſheddeth man's blood by man ſhall his blood be ſhed." Vengeance belongeth not to man. And now I have laid this caſe before you.—There is more deliberation, more malice and forethought than I believe ever exiſted in any other caſe. Terrible is the ſituation of theſe gentlemen! but they cannot complain of that law which they have broken; the King has loſt a valuable ſubject, the deceaſed his life—and *they* are now before you, who have taken that life away, to anſwer for their crime. If this caſe is fully proved againſt them, you have only to decide upon the fact. You will hear from his Lordſhip the law applicable to that fact.—Gentlemen, however high their characters in life may have ſtood heretofore or how numerous ſoever their friends may be on this occaſion, I muſt ſay their character has nothing to do with the caſe—if, in their conduct on this occaſion, malice, thought, deliberation, determination have appeared, I ſay, however they have been remarkable for humanity before, it only ſerves to ſhew that all their general humanity was abſorbed in inveterate malice againſt this unfortunate gentleman. Neither is the conduct of Mr. Grayſon under your conſideration—theſe gentlemen are to ſtand or fall to day upon their conduct—if you find that Mr. Grayſon died by their hands, the queſtion is, did they do it deliberately? if ſo, the conſequence, I think, is, that they are both of them guilty of murder, and this verdict I now demand at your hand.

EVIDENCE FOR THE CROWN.

WILLIAM STATHAM, (ſworn.)

Examined by Mr. SCARLET.

Q. Do you know Mr. Sparling?

A. Yes.

Q. Have you ſeen letters from Mr. Sparling, which you know to be his letters?

A. I have received letters from Mr. Sparling, which I preſume to be his hand writing.

Q. Have you ſeen Mr. Sparling write?

A. I have only been concerned for Mr. Sparling a ſhort time, and I have never ſeen him write.

Q. Have you *never* ſeen him write?

A. I have not.

Q. Has he recognized what you have done?

A. Yes.

Sir Alan Chambre. You have converſed with him upon the ſubject of the tranſactions, which you mentioned to him by letter?

A. I have my lord.

Q. Are you certain from these circumstances that you are acquainted with the character of his hand writing?

A. I believe I am.

Q. Do you believe *that* to be Mr. Sparling's hand writing?

A. From the letters I have received, I believe this to be Mr. Sparling's hand writing.

Q. You believe it to be Mr. Sparling's hand writing?

A. I do, from the letters I have received.

Q. Mr. Statham, are you acquainted with the hand writing of Mr. Colquitt.

A. I am not.

Cross-examined by Mr. PARK.

Q. Mr. Statham, don't you believe there are many in Court who could have proved this hand-writing without your assistance?

A. I do, a great many.

GEORGE BOLDEN (sworn).

Examined by Mr. SCARLET.

Q. Are you acquainted with Mr. Sparling's hand writing?

A. I believe I am.

Q. Have you seen him write?

A. Yes.

Q. Look at these letters, do you believe that they are his hand writing?

A. He writes extremely different hands at different times.—I think they are his hand writing.—This *(shewing one of the letters)* I am positive is his hand writing.—That also is his hand writing.—His name to this is similar to his general hand writing, but the body of the letter is different to what he generally writes.

Sir A. Chambre.—The question is, do you believe the signature to be his hand writing?

A. I do.

N. B. With respect to one Mr. B. could not speak so positively as to the rest.

The following letters were then read by the Clerk of the Crown:

(LETTER I.)

" *London, Webb's Hotel, King-street, Covent-Garden.*

" SIR,

" In my absence you have expressed a wish to chastise me, and have asserted that you did not know where to find me. Your assertion is false. You know where to find me now. You will receive this on Wednesday the 21st instant. Your answer by return of post—(and this I insist upon) will reach me on the 23d, on which day I purpose leaving London. On the following Monday I shall be able to attend you at any place in the neighbourhood of Liverpool that you may think proper to appoint."

" WILLIAM SPARLING."

" *Mr. Graydon,* Sept. 19th, 1803.

(LETTER II.)

" SIR, " *October* 1st. 1803.

" Your reply to my letter of the 19th ultimo, reached me this day. The possibility of your being absent from Liverpool hindered my noticing your silence, otherwise than by desiring Capt. Colquitt, (R. N.) to contra-

dict your ſtatement by quoting my letter. You deny, though in ungentlemanlike terms, having aſſerted that you did not know where to find me, but decline denying having threatened to chaſtiſe me, fearing that your language might have been miſconſtrued—*My authority is Major Brooks*, who affirms having heard you uſe the expreſſions you now deny. In a ſubſequent part of your letter, you inform me that I ſhould have heard from you at an earlier period but that you expected to have been anticipated by others. You add, that theſe motives of delicacy ceaſe to exiſt—as you are a family man you may claim delay. I have only to add that your ſummons will find me at Petton near Elleſmere.

" WM. SPARLING."

" *To E. Grayſon.*"

Sir Alan Chambre. Which of theſe letters is it that there has been entertained ſome doubt about?

A. The letter of the 1ſt of October.

(LETTER III.)

" SIR, *Petton, October 9th*, 1803.

" I this evening received your letter of the 6th inſtant; to prevent the delay of an alternate poſt I ſend this to Cheſter. I will not explain my conduct to you or to Dr. M'Cartney, but briefly remark that female honor, virtue and innocence have nothing to do with the point in queſtion: thoſe qualities of Miſs A. Renſhaw, remain as I found them. *It is an attempt on my part to puniſh you* for your inſulting language, *and this I will execute or periſh in attempting it.* Captain Colquitt will enquire the motives of your delay, if he admits them to be ſufficient, you will inform him or me the moment they ceaſe to exiſt.

" *To E. Grayſon.*" " WM. SPARLING."

Sir A. Chambre. Mr. Bolden, do I underſtand you rightly that you expreſſed a doubt as to the ſignature?

A. The ſignature is more like Mr. Sparling's general hand-writing than the body of the letter.

Q. Well, but what do you believe as to the ſignature?

A. I muſt ſay, that as to the ſignature, I cannot ſpeak very poſitive.

Q. You are not required to ſpeak poſitive, but what do you believe about it?

A. My Lord, I cannot ſay that I do believe it, or that I do not.

Q. Now you are ſpeaking of the body of the letter?

A. No: I am ſpeaking of the ſignature—the ſignature is more ſimilar than the body of the letter.

Q. But is it ſo diſſimilar from his uſual manner of writing that you cannot form an opinion?

A. I really cannot form any opinion.

ROBERT NORRIS, (ſworn.)

Examined by Mr. SCARLET.

Q. Did you know the deceaſed Mr. Grayſon?

A. I did.

Q. Do you know his hand-writing?

A. Very well.

Q. Is that letter and ſignature his hand-writing?

A. This is Mr. Grayſon's hand-writing.

ROBERT NORRIS,

Croſs-examined by Mr. PARK.

Q. Mr. Norris, I have only one queſtion to put to you—you ſtate yourſelf to have been intimately acquainted with the late Mr. Grayſon?

A. I was.

Q. Was he a married man or a ſingle man?

A. A ſingle man.

Q. Had he never been married?

A. Never.

Sir A. Chambre. Had he any children?

A. Five children, my Lord. The eldeſt nineteen years of age, and the youngeſt eleven or twelve.

The following letters were then read by the Clerk of the Crown:

(LETTER I.)

" SIR, " *Liverpool, St. James's-ſtreet.*

" Being an entire ſtranger to me, I much fear you may have *plumed* yourſelf with the idea, that my not returning an immediate anſwer to your letter of the 19th inſtant, ariſes from a wiſh of avoiding giving you the meeting, and if ſuch is your idea, you will find yourſelf moſt egregiouſly miſtaken, and though I do not preſume upon having more courage than my neighbours, I ſhould certainly conſider myſelf too contemptible a, being for civiliſed ſociety, could I be poltroon enough to decline any challenge which as a gentleman and a man of honour I ought to accept, either from yourſelf or any man breathing. The fact is, I left L'pool on Monday laſt on a ſhooting party, and did not return home before Thurſday evening at too late an hour to reply to your letter, which I found waiting, and there being no mail for London laſt night, I was obliged to defer writing till this preſent day, Saturday 24th September, and ſhall encloſe this my anſwer addreſſed to the maſter of Webb's Hotel, that in caſe of your having left London, it may be forwarded to you in the country. And in the firſt place, I muſt tell you, that you are guilty of a moſt groſs falſehood, in ſo unwarrantably and ungentlemanly accuſing me of what you have not the poſſibility of proving yourſelf, and conſequently ſhould not have reſted ſo bold an aſſertion upon the mere ſtrength of hearſay report; how comes it Sir, that you ſhall take upon you to ſay, that I have aſſerted I did not know where to find you, and that that declaration was falſe. That I did not know where to find you, before the receipt of your letter, is moſt true, but that I aſſerted my not knowing where to find you, was the *cauſe* of my *not* chaſtiſing you is utterly falſe, for if I had wiſhed to have found you, I ſhould ſuppoſe I could have readily gained your addreſs from Mr. Bolden, which muſt convince you, of the impoſſibility of my uſing any ſuch ridiculous language; and with reſpect to your ſaying, I expreſſed a wiſh to chaſtiſe you, I do *not* think it would at preſent become me, to deny ſuch a charge, fearing leſt a wrong conſtruction might be put upon my words, and can only ſay, previouſly to your becoming acquainted with my amiable niece Miſs Ann Renſhaw, I was ignorant both of your perſon and character, nor could I indentify your perſon at this hour; but I ſcruple not to ſay, from every account I can learn, your conduct to that much injured, good and virtuous Lady, merits the ſevereſt chaſtiſement, not only from me, who am old enough to be your father, but from every relative and friend ſhe has in

the world, and which I am proud to say, are numerous in the extreme; nor do I believe there is a creditable man in existence, that would attempt an excuse for your atrocious conduct to so much virtue and innocence, and you would, Sir, have heard from me upon that subject, long before now, had I not been delicately advised, *not* to take the lead, in what so very materially affected others, as well as myself, but you have thought proper to leap over those boundaries, and as a kind of vindication for your most abominable conduct, challenged me to a meeting. Rest assured ere long, I shall be entirely at your service, and will with confidence risque my life in the defence of my niece's honor—at present, motives of the strongest nature will prevent my giving you, so *early* a meeting as perhaps you may expect, and though I do not think it proper to explain at present, those reasons to yourself, I am ready to disclose them to any gentleman you may appoint your second, and if he bears the character of a man of honor, and considers them *not* of sufficient weight, to postpone our meeting, till matters are arranged, no matter how my family may be involved, I will give you an *early* meeting, and convince you, that I am ready at the expence of my life, to vindicate the cause of my niece, whom you have so cruelly and ungentlemanly treated, and as there is another gentleman in Liverpool of the same name, recollect my address is St. James's-street.

"E. G."

"*To Mr. Wm. Sparling.*"

(LETTER. II.)

SIR,

"Your letter bearing date the 1st inst. only came to hand this present day, Thursday the 6th October, 1803, and I mean, Sir, to be as concise with you, as the purport of your letter will admit. You say, Sir, you have desired Capt. Colquitt, (R. N.) to contradict my statement, by quoting your letter I confess I am at a loss to comprehend your meaning, but know not, nor care not, what directions you may have given Capt. Colquitt; it is quite sufficient for me to know, that in all cases he will act like a Gentleman, and with regard to the language I made use of in denying that my reason for not chastising you, was because, I did not know where to find you, is from your manner of accusing me, such as you justly merit; and with respect to my not denying that I had expressed a wish to chastise you, you must be convinced of my *correctness*, for, *if* what you assert be *true*, I certainly must have made use of such language, as you charge me with, as I am convinced, Major Brooks is utterly incapable of a wilful misrepresentation; but the bare mention of that gentleman's name, brings fresh into my memory a conversation that passed between us, respecting your unmanly, ungentlemanly, and most abominable conduct to my niece, and had I then fell in company with you, and known your person, which at this moment I could not identify, I have no doubt but I should have put my words into execution; and was I so inclined, I could mention numbers of most respectable characters who, previously to your atrocious conduct to my niece had the most favourable opinion of you, and who afterwards made use of similar language to what I expressed to the Major—but that at *present* has nothing to do with my correspondence with you. In a word, I glory in my expression, and if I had a thousand lives would forfeit them all sooner than retract in an ungentlemanly way, the language you accuse me of; and till you can make it appear clear, to both Doctor M'Cartney and myself, that you acted honorably to my amiable niece, Miss Ann Renshaw, I consider myself justified in the eyes of God and man, for what I expressed to Major Brooks; and with respect to your condescending to allow me delay, on account of my being a family man—I want no delay from you, and would

ſcorn to aſk, what you could poſſibly conſtrue into a favor; I told you, and I again repeat it, I am ready to give my reaſons for *ſome* delay to your ſecond, and if he thinks them not of ſufficient weight, am ready to accept your challenge as ſoon as ever you pleaſe, in which caſe my much eſteemed friend Dr. M'Cartney, has honorably promiſed to be my ſecond, and he can have no perſonal ill-will towards you, being, for any thing I know to the contrary, almoſt as much a ſtranger to you, as I am myſelf—and we are both actuated by no other motive, than ſtanding like honorable men in defence of female honor, virtue and innocence, and which, Sir, I have every reaſon to believe you attempted to betray.

" EDWARD GRAYSON."

" *To W. Sparling.*"

(LETTER III.)

" *October* 17, 1803.

" SIR,

" Your letter of the 9th inſtant, only came to my hands the day before yeſterday, and am concerned to ſtate its detention was occaſioned by the indiſpoſition of Captain Colquitt, whom I had the honor of waiting upon almoſt immediately after receiving his very polite note incloſing your's of the above date to me, and the purport of our converſation will, I am confident, be faithfully explained to you by that gentleman; therefore ſuffice it now to ſay, I at firſt gave up every idea of anſwering your letter, but upon more mature conſideration it has occurred to me, that you might poſſibly conceive, I regarded the diſturbed peace and uneaſineſs of a virtuous female relation with as much levity as you appear to do in your letter to me, which God forbid I ſhould ever be capable of; for to crown all, in ſpeaking of my amiable niece (who would to God had never known your name) you briefly obſerve, and with all the ſeeming cold indifference imaginable. *you left her virtue and honor as you found them, that female honor, virtue and innocence is totally out of the queſtion*, and that you are determined to puniſh me, or periſh in the attempt, for the language I made uſe of to Major Brooks. But let me tell you, Sir, *if female honor and happineſs are no conſideration with you, I reſpect them as matters of the higheſt importance*, not only to myſelf, but to all civilized ſociety, and while a ſpark of life remains, I will ſupport them with every thing that is dear to man; *and it was while that honorable ſentiment was glowing in my wounded mind, and the extreme unhappineſs my niece was* hourly ſuffering from your cruel conduct, before my eyes, that I *expreſſed a wiſh to chaſtiſe you*, on her account; an expreſſion ſanctioned by my own conſcience, and approved both by God and man; for, is it, Sir, after the ſeemingly moſt ſincere profeſſions of love, you gained my niece's affections, and by vows of eternal faith, accompanied with an unequivocal avowal of your mother's entire approbation of your choice, obtained not only her's, but her parents' conſent for marriage—is it, I ſay Sir, any thing like a ſufficient excuſe for you, without any juſt cauſe whatever to break your ſolemn pledge of honor, with ſo amiable and ſo truly virtuous a lady, and merely to ſay, you left her virtue and honor as you found them? That you did leave her virtue and honor as you found them, is as true, as God reigns above; but did you, Sir, leave her peace of mind as calm and undiſturbed as when you found it? the bare reflection of which, if ever you reflect at all, muſt freeze your blood and harrow up your very ſoul, *particularly when you recollect, in the preſence of Mr. Renſhaw, Mr. Ellames, and Mr. Bolden, you declared you firmly believed the infernal anonymous letter, on which ſhallow ſurface you had reſted your defence, was a wicked fabrication and a moſt abominable lie*—and though you very well know, Sir, there was not any date in the inſide of the letter in queſtion, perhaps you are not aware

it outwardly bore the Poſt-office ſtamp and date which Mr. Banning, the poſt maſter, can ſafely ſwear to; and from that, and *other* very ſtrong corroborating circumſtances there can be ſcarcely a doubt, but you was in poſſeſſion of the anonymous letter previouſly to your leaving home (as I am informed) for Shropſhire, notwithſtanding which, on your return to Liverpool, you immediately waited upon my niece, and renewed your ſeemingly ſincere addreſſes, and afterwards declared you did not receive the letter in queſtion, until your arrival at St. Domingo, which I think was on Saturday evening the 4th of December, 1803.

Now Sir, with regard to your boaſting threatening letter, be aſſured I hold it in the moſt ſovereign juſt contempt, and reſt fully convinced the day is not far diſtant, when I will give you a fair opportunity of endeavouring to put your threat into execution, and having with the utmoſt confidence put my cauſe and honor into the hands of my friend and ſecond, Doctor M'Cartney, I cannot poſſibly have any farther communication with you, until that day arrives, when I truſt both the Doctor and Capt. Colquitt will be in full poſſeſſion of every thing relating to yourſelf and

To W. Sparling. EDWARD GRAYSON.

Major EDWARD BROOKS (ſworn.)

Examined by Mr. SCARLET.

Q. Are you acquainted with Samuel Martin Colquitt?

A. I am.

Q. You know his hand-writing?

A. Very well.

Q. Have you ſeen him write?

A. I have.

Q. Be ſo good as to look at theſe letters, or the ſignature to them, and tell me whether they are his hand-writing?

A. I believe they both are.

The following Letters were then read by the Clerk of the Crown:

Mount Pleaſant, October 15th, 1803.

" *The enclaſed letter* was received from Mr. Sparling three days ago, but my being ſo unwell as not to go out of the houſe, has prevented me perſonally waiting upon you to deliver it.

" *Being of courſe acquainted with the contents*, I muſt requeſt your determination upon the ſubject therein mentioned. Or if you have no particular objection will be very glad to ſee you, any time to-day that you can make it convenient. I am, your very obedient and humble ſervant,

" *To Edward Grayſon, Eſq.* " SAM. COLQUITT."

" *Royal Hotel, Liverpool, Saturday Feb. 25th.* 1804.

" *Having underſtood that Mr. Grayſon was to be at your houſe* within one hour after I left it, and *that immediately on ſeeing him you would not delay imparting to me his determination upon the ſubject of our diſcuſſions*,

" I have to *requeſt you will upon the receipt of this make the ſame known to me, or in failure thereof to ſtate to Mr. Grayſon that Mr. Sparling will expect to meet him at the appointed place* at ſeven o'clock preciſely, TO-MORROW *Morning*.

" I am, Sir,

" Your very humble Servant,

" *Dr. M'Cartney.* " SAL. M. COLQUITT."

Major BROOKS,

Croſs-examined by Mr. PARK.

Q. Mr. Brooks, I believe you know the gentleman at the bar, Mr. Sparling?

A. Very well.

Q. How long have you known him Sir?

A. Almoſt as long as any perſon I am acquainted with.

Q. From his earlieſt youth?

A. Yes.

Q. What has been his general character, Sir, for mildneſs and gentleneſs?

A. I believe his general character has coincided with my own opinion of him, that he is a mild, peaceable and inoffenſive man.

Q. Is he not, Mr. Brooks, of a remarkably gentle diſpoſition?

A. Peculiarly ſo.

Q. Were you alſo acquainted with the unfortunate Gentleman, whoſe death is now the ſubject of enquiry?

A. I was.

Q. Did you happen to be in his company in the month of December, in the year 1802?

A. I believe I was early in December, 1802.

Q. Do you recollect going with him to dine at any particular place about that time?

A. I went, I believe, Sir, to dine with him in the month of December, 1802, at Wavertree.

Q. That is about three miles from Liverpool?

A. About that, I believe, Sir.

Q. Did you go in Mr. Grayſon's gig?

A. I did.

Q. Did he not, in the courſe of converſation, ſay ſomething about the priſoner at the bar extremely ſcurrilous?

A. He did.

Q. Now, I aſk you, Sir, whether he did not tell you in that converſation, that Mr. Sparling was an infamous villain?

A. Villain, I believe was the word; but what the epithet was, I do not recollect; it was ſomething as ſtrong as that you have mentioned.

Q. It was ſomething as ſtrong as the word infamous?

A. It was.

Q. Did he not ſay to you in that converſation, that he did not know whether you were a friend of Mr. Sparling's or not—but that you would be convinced he was a villain when you heard his conduct?

A. Words to that effect.

Q. Will you be ſo good, Sir, as to tell us as nearly as you can recollect, whether at that time and upon that day, he repeated any other circumſtances reſpecting Mr. Sparling, and reflecting upon his character?

A. The origin of the converſation?

Q. Yes, Sir, if you pleaſe.

A. I believe it originated in my aſking a queſtion, which led me to aſk, whether the day was fixed when Mr. Sparling was to be married.

Q. You had not then heard Mr. Brooks, that it was at an end?

A. I had not—I had heard ſome ſlight rumours, to which I gave no credit, the day before.

Q. What did Mr. Grayſon then ſay to you in anſwer to your inquiry, whether the day was fixed for the marriage?

A. I believe, Sir, he very abruptly ſaid, that which I have before mentioned in evidence. I don't recollect whether he made any previous obſervations.

Q. Did he not tell you, Sir, that Mr. Sparling had received and acted upon an anonymous letter, the purport of which was too horrible to mention?

A. He did, Sir, after he had told me what I juſt now mentioned.

Q. You remained, Sir, I believe, at Liverpool, for ſome time after this converſation paſſed with him in the gig?

A. About ten days or a fortnight—I cannot recollect to a day.

Q. No, not to a day, but above a week?

A. Nearer a fortnight.

Q. Did you not frequently meet with Mr. Grayſon (in the courſe of the time you ſo remained at Liverpool) in the public coffee room there?

A. Several times.

Q. Now I aſk you whether upon this occaſion, and in the public coffee room, and in the hearing of ſeveral perſons he did not frequently abuſe Mr. Sparling, and threaten to chaſtiſe him?

A. More than once I believe—he did that in the coffee room once, and alſo upon the ſteps of the Athenæum; the ſteps are as public as the library and coffee room themſelves.

Q. Did he not, Sir, in theſe public places threaten to chaſtiſe this gentleman whenever he ſhould meet him, but declaring that he did not know where to find him?

A. Words to that effect—that he did not know where to find him.

Q. Was not this alſo one of his expreſſions—that this gentleman purpoſely avoided meeting him at Liverpool?

A. I cannot ſay as to the exact words—it was ſomething which perfectly conveyed to my mind that idea.

Q. Independently of the publicity of theſe ſteps at the Athenæum where this declaration was made, does it not open into one of the public ſtreets in Liverpool where every body is paſſing by?

A. It does—into Church-ſtreet, in Liverpool.

Q. At the time when theſe declarations were made, was it at a time when the gentlemen and merchants of Liverpool are collected together for converſation?

A. It is a place of great reſort—but it was always what one may call full of company.

Q. But ſo that you cannot tell the particular number of perſons that were there aſſembled?

A. No.

Q. Were not theſe declarations made aloud ſo as to be in the hearing of all the perſons there aſſembled?

A. Certainly; for they were not addreſſed to me when I heard them.

Q. But they were for the purpoſe of inſulting the character of this gentleman in the town in which he lived?

A. They were.

Q. Now did you at any time go to London after this?

A. I went from Liverpool to London a little before Chriſtmas Day.

Q. How ſoon after you arrived in London did you happen to be in company with your friend Mr. Sparling?

A. I believe it was in the month of April.

Q. Do you know whether it was April or March—it is not very material—was it before Mr. Sparling went abroad?

A. It was.

Q. Juſt before he went abroad?

A. The day before—I knew he was going abroad the following morning.

Q. Now, Mr. Brooks, having ſeen Mr. Sparling the day before he went abroad, did you tell him (in conſequence of his being your intimate friend) of theſe reflections caſt out by Mr. Grayſon?

A. I was in doubt in conſequence of the impreſſions of my mind with which I left Liverpool, when I found Mr. Sparling in town, whether I could, as a man of honor, renew my intimacy with him.

Q. Did that feeling ariſe from this—that finding him in London, you were the more diſpoſed to give credit to what Mr. Grayſon had ſaid, that he had abſented himſelf for fear of being chaſtiſed by him?

A. I had that idea when I came to London—I did believe it till I was undeceived by him.

Q. Now, Sir, did you not tell him though you had nothing to do with Mr. Renſhaw's family, that before his former friends could renew their intimacy with him, it was abſolutely neceſſary he ſhould clear himſelf as to the reaſon for which he abſented himſelf from Liverpool?

A. I did.

Q. Then, I preſume, Mr. Brooks, you did not know when you heard this declaration of Mr. Grayſon, that he was in London?

A. I did not know where he was.

Q. I preſume you did not know, Sir, that Mr. Grayſon was acquainted (as he has ſtated in one of his letters) that Mr. Bolden knew the addreſs of Mr. Sparling?

A. I could not conceive it poſſible.

Q. Now, did not Mr. Sparling upon this occaſion tell you that from delicacy to this young lady he could not diſcloſe to you the grounds upon which that match had been broken off?

A. He did—that he could not diſcloſe the particulars.

Q. Did he not alſo tell you, Sir———

Mr. Serjeant Cockell.—I ſubmit to your Lordſhip— that what the witneſs communicated is evidence certainly—but what Mr. Sparling replied to the witneſs I ſubmit to your Lordſhip is not evidence—the reaſon is this—any thing ſaid to the party is a matter which does not depend upon them—but any declaration or anſwer that the party gives may be true or it may not—and I have not yet ſeen that evidence attempted.

Mr. Park.—My Lord, I ſubmit that what the defendant may have ſaid at the time the plaintiff was not preſent cannot be given in evidence—but we are here inveſtigating that by which we can only come to evidence—you can only collect the motives of the action by the impreſſions made upon his mind—and you muſt take the circumſtances of his conduct in conſequence of the communication in order to ſee what impreſſions were made upon his mind at the time, and how he endeavoured to convince this gentleman, that he could never aſſociate with him until he had cleared up his conduct to the world—I therefore do ſubmit that in this we do feel that this gentleman's life may depend upon the iſſue.

Sir Alan Chambre.—I ſhould be ſorry to exclude any evidence that may be employed for the defence of the priſoner, warranted by the rules of law, and the permiſſion of law—but I am not aware there is any objection to my receiving evidence of the conduct of the party antecedent to the unfortunate event which has taken place.

Mr. Serjeant Cockell.—My Lord, I don't object to their going into evidence of the gentleman's *conduct*, but he is ſtating that which paſſed in the gentlaman's own mind, it is not any act, it is connected with no act.

Mr. Park.—My Lord, human conduct muſt depend upon words and actions, not upon words alone.

Q. What did he ſay as to the young lady?

A. That from delicacy to the lady he could not diſcloſe to me or to any body the particulars of the circumſtances which broke off the match.

Q. Did he not tell you at that time that he hoped however he had ſatisfied Mr. Renſhaw, the father of the young lady, as to the propriety of his conduct?

A. He did—and expreſſed his ſurpriſe when I told him what had paſſed from Mr. Grayſon.

Q. Did he not tell you Sir, that at the meeting, when he had endeavoured to explain his conduct to Mr. Renſhaw, the father of this lady, that gentleman ſhook hands with him at parting as a token of his friendſhip?

A. He did.

Q. Did not Mr. Sparling tell you that notwithſtanding this inſinuation againſt him, he would go off to Paris, in hopes that it might ſubſide before his return to England?

A. Some words of that nature.

Q. Did he not intimate to you he would go abroad, in hopes that this diſpoſition would ſubſide before his return to England?

A. Yes, in hopes that theſe reports would die away.

Q. And I believe he wiſhed you, Sir, to be ſo good as to contradict theſe reports, wherever you heard them?

A. He particularly deſired it.

Q. Now, Mr. Brookes, he did, in fact, go abroad, Sir, at that time, in the month of March or April?

A. He went abroad early the next morning.

Q. The war with this country breaking out on the Continent obliged him to return home?

A. I believe that was his reaſon.

Q. I believe there is no doubt that he was in thoſe countries where war was broke out againſt England—was he not?

A. I believe ſo—he went to Paris.

Q. Now had you an opportunity of ſeeing this gentleman again in London on his return from France in September?

A. I had—in September.

Q. What time in the month? do you recollect?

A. No, I do not.

Q. Was it laſt September?

A. It was.

Q. Was it not early in the month?

A. I have no recollection.

Q. Had you any converſation with him, and did you tell him any thing that had been ſpoken in Liverpool, in his abſence, about the reports—was any thing ſaid about the exiſtence of them?

A. He informed me that he underſtood they ſtill exiſted.

Mr. Serjeant Cockell.—My Lord, is that any evidence?

Mr. Park.—Certainly—I will ſuppreſs any thing your Lordſhip deſires.

Q. Were the reports ſtill exiſting?

A. I cannot tell—I was not in Liverpool during Mr. Sparling's abſence from England.

Q. Had you been in Liverpool in the interval betwixt the time of your friend going abroad and his return to England?

A. No, I had not.

Q. You then knew nothing more about Mr. Sparling's having left town, except what he told you at that time?

A. Nothing more.

Major BROOKS,

Re-examined by Mr. CLARK.

Q. I believe you were acquainted with Mr. Grayſon?
A. I was.
Q. Were you intimately acquainted with him?
A. Not very intimately.
Q. What brought you into his company in the month of Dec. 1802?
A. I was going to dine at Wavertree.
Q. Were you a member of that club, Sir?
A. No.
Q. Whoſe gueſt were you that day?
A. I believe Mr. Grayſon's.
Q. Were you going then upon the invitation of Mr. Grayſon?
A. I believe ſo.
Q. Did he give you a ſeat in his carriage that day?
A. He did.
Q. I underſtand then that you and the deceaſed went together to the club on that day?
A. Yes.
Q. Alone?
A. Yes.
Q. Did you know at that time that Mr. Grayſon was the uncle of Miſs Renſhaw?
A. Very well.
Q. Being the firſt converſation then that you had with Mr. Grayſon—was it not in conſequence of a queſtion put by yourſelf?
A. As far as I can recollect.
Q. Did you conſider that converſation as a private converſation?
A. Decidedly a private converſation.
Sir Alan Chambre.—The others were not?
A. I wiſh it to be underſtood my Lord that I diſcloſed to Mr. Sparling none of the private converſation—I only related to him what Mr. Grayſon had ſaid in public.
Q. Then did not you tell Mr. Sparling any thing that paſſed in the carriage in the month of December, 1802?
A. I believe I was particularly guarded againſt doing ſo, knowing it to be a private converſation.
Q. Then the inference is that Mr Sparling knew nothing of that converſation in December, 1802?
A. I believe not from myſelf, a ſyllable.
Q. Now Sir, we come to the converſations you ſpeak of in the Athenæum in Liverpool—were theſe converſations of a private or of a general nature?
A. Not of a private nature—they were not addreſſed to me—others have been by.
Q. Now was this converſation a general topic in the news-room at Liverpool?
A. It was.
Q. Was it not Sir, the common converſation in the town of Liverpool?
A. It was.
Q. Mr. Sparling's conduct towards Miſs Renſhaw?
A. The ſame.

Q. Now, Sir, you ſay that you ſaw Mr. Sparling afterwards in London—But I will aſk you firſt as to theſe converſations which came from Mr. Grayſon, did they not alſo come from others?

A. It was the general topic of converſation at Liverpool, and I have heard it every where diſcuſſed in Liverpool at that time.

Q. Now Sir, when you ſaw Mr. Sparling in London, and had this converſation with him—was not your mind impreſſed—

Mr. Park.—My Lord, I object to his mind being impreſſed—

Mr. Clark.—I will put the queſtion in another way.

Q. Now Sir, was you induced to hold the converſation—

Mr. Park.—Really My Lord, I object to this mode of examining a witneſs.

Mr. Clark.—Q. Did you ſtate the converſation which you heard at Liverpool, as general, or as only coming from Mr. Grayſon?

A. I ſtated at firſt that it was the general topic of converſation in Liverpool, and I believe—

Q. Then you did not in the firſt interview with Mr. Sparling, in the firſt inſtance, ſtate this converſation as general?

Mr. Park. He did not ſay ſo.

Mr. Clark.—Well, Sir, will you tell us what you ſaid to Mr. Sparling in the firſt inſtance?

A. I had mentioned to him a general converſation at Liverpool, and I mentioned to Mr. Sparling a letter which I had received from Mr. Blackburne, then High Sheriff for the County, and at the ſame time ſhewed him a paragraph in Mr. Blackburne's letter—that it was the general report at Liverpool and its neighbourhood. Mr. Sparling then expreſſed his ſurpriſe how ſuch a report could have originated. I anſwered, as nearly as I can remember, and I am now ſorry I inadvertently mentioned the name, it muſt have originated in the family, as I had heard Mr. Grayſon aſſert, he did not know where to find him.

Q. Was that all you told him, Sir, that Mr. Grayſon ſaid?

A. No; I told him of Mr. Grayſon having ſaid he would chaſtiſe him wherever he could find him.

Q. Was that all the converſation in which Mr. Grayſon's name was mentioned?

A. I repeatedly told him of the general reports at Liverpool.

Q. I am confining myſelf to what Mr. Grayſon ſaid—is that all you ſtated to Mr. Sparling that Mr. Grayſon ſaid?

A. I believe it is, but I do not recollect.

Q. Then, Sir, in what month was this?

A. I believe it was in the month of April, the day before Mr. Sparling went abroad.

Q. Had you any converſation with Mr. Grayſon in the interval between this period and September, 1803?

A. I never ſaw him.

Q. Then you never ſaw him?

A. No.

Q. Now, Sir, you ſaw Mr. Sparling upon his return to England?

A. I did.

Q. That was in September, 1803.

A. Yes.

Q. Did you converſe with him?

A. He called upon me.

Q. You had never been at Liverpool in the interval?

A. I had not.

Q. Of courſe you did not give any intimation of what had paſſed in the interval?

A. I could not.

Q. Then all the converſation that you had with Mr. Sparling, in which Mr. Grayſon's name was made uſe of, was prior to the month of April—prior to his going abroad?

A. Not all; becauſe he told me, when he returned, that the reports were ſtill abroad, and Mr. Grayſon's name was mentioned.

Q. Did you mention Mr. Grayſon's name?

A. I dare ſay I did; but it was firſt mentioned by Mr. Sparling—for he ſaid that the reports were ſtill in circulation which exiſted before he went abroad.

Q. Did Mr. Sparling at that time mention Mr. Grayſon's name?

A. I think he did; I am pretty ſure he did.

Q. What did he ſay then?

A. I have mentioned that he ſaid he found theſe reports ſtill in circulation—that it made him extremely uneaſy—he expreſſed his unhappineſs at his name being ſtill under an obloquy, and told me it was neceſſary for him to clear up his character to the world.

Q. Did any thing more paſs?

A. He mentioned his intention to go down to Liverpool, and aſked me if I would accompany him. I told him, from the particular ſituation of my buſineſs I could not.

Q. You did not go?

A. I did not.

Q. Did he mention Mr. Grayſon's name?

A. He did.

Q. What did he ſay, Sir?

A. I cannot recollect exactly; but he ſaid he muſt go down to Mr. Grayſon.

Q. Did he ſay any thing more about Mr. Grayſon?

A. He ſpoke of him, and ſaid, he muſt go to Liverpool to clear his character as to theſe reports; I ſuppoſed he meant he muſt go to ſee Mr. Grayſon.

Major BROOKS.

Croſs examined by Mr. PARK.

Q. Now Mr. Brooks, I aſk you, Sir, whether in this converſation, upon his return from abroad, he did not appear very much agitated and depreſſed, on account of theſe reports?

A. He did—I met him in the ſtreet, and the day afterwards he came with me to the door of the hotel, he took me into my own room.

Q. Where was this, Sir?

A. In London.

Q. You ſay he was ſo much agitated and depreſſed, that he took you up into your room, that, in private, he might communicate the uneaſineſs of his mind?

A. He expreſſed himſelf exactly ſo; he opened the ſubject in great agitation; took me into my own room, where we had ſome private converſation.

Q. He expreſſed great uneaſineſs that theſe reports which he had hoped would have died away, were ſtill in circulation?

A. Yes, alluding to my former ſtory.

Q. Now, Sir, when you told my learned friend that in the Coffee-room and Athenæum, the general topic of converſation was reſpecting Mr. Sparling, at times when Mr. Grayſon was preſent, who was the chief ſpeaker?

A. Always Mr. Grayſon whenever I have ſeen him in the company.

Q. Did not Mr. Grayſon in theſe public places, when there was no private conference, ſtate him to be (as you before deſcribed) that infamous man you mentioned?

A. Yes, in much ſtronger words, which I did not mention to Mr. Sparling,—he ſaid, he would chaſtiſe him, but he did not know where he was.

SIMON BOZZON, (ſworn)

Examined by Mr. Serjeant COCKELL.

Q. You drive, I believe, a poſt-chaiſe?
A. I do.
Q. Do you know Mr. Sparling?
A. I do, Sir.
Q. The gentleman you ſee in court?
A. Yes.
Q. Do you remember going with a poſt chaiſe to take him up?
A. I do.
Q. What time in the morning was it?
A. Six o'clock.
Q. On what day?
A. On the 26th.
Q. Of what?
A. Of February.
Q. On a Sunday morning?
A. On a Sunday morning.
Q. What hour did you take him up?
A. At ſix o'clock.
Q. Where did you take him up?
A. At the Hotel door.
Q. Was there any one in company with him?
A. There was another gentleman with him whom I did not know then.
Q. You know him now?
A. Yes.
Q. Was it that gentleman?—*(pointing to one of the priſoners.)*
A. It was.
Q. Captain Colquitt?
A. Yes.
Q. Where was you to drive them to?
A. To the Park Chapel.
Sir Alan Chambre—How far is that from Liverpool?
A. Better than two miles and a half.
Mr. Serjeant Cockell—Did you drive them there?
A. I did.
Q. When you got there did they quit the chaiſe, or what was done?
A. They quitted the chaiſe and told me to wait about half an hour there and they perhaps might be back.
Q. Did you ſee them go?
A. I ſaw them go.
Q. Did you remark whether either of them had any thing with them?
A. Captain Colquitt had a ſmall box under his arm.
Q. What courſe did they take?
A. They went over by a gate, Sir, and down a field.
Sir Alan Chambre—Did they go through it or paſs it?
A. Over by the end of it.

Mr. Serjeant Cockell.—Well what paſſed then?

A. I do not know, Sir, they went out of ſight in a little time.

Q. What ſort of ground is it—riſing or falling ground?

A. Falling ground.

Q. After they were out of ſight did any thing alarm you?

A. Nothing but the report of a gun or piſtol.

Sir Alan Chambre.—One or more?

A. One only.

Mr. Serjeant Cockell.—Did the report give you any idea from whence the ſound proceeded?

A. No; it did not, Sir.

Q. Well, after you had been upon the road ſome time did you ſee any other carriage?

A. Another carriage came by me and drove up to the gate.

Q. What, the ſame gate over which theſe gentlemen had gone?

A. The ſame gate.

Q. Was there any perſon in that carriage?

A. Two gentlemen.

Sir Alan Chambre.—Did you know theſe gentlemen—who they were?

A. The one was Dr. M'Cartney and the other Dr. Park.

Mr. *Serjeant Cockell*—After theſe gentlemen had come up, did you ſee any other perſon come up?

A. In a little time after, Mr. Grayſon and his ſervant came up.

Q. On foot?

A. On foot.

Q. When they had come up on foot what happened?

A. Mr. Grayſon came by me with his watch, and ſaid to his ſervant he was half an hour beyond his time, and it was through his neglect.

Q. Well?

A. When they came to the chaiſe, Dr. M'Cartney got out with a box of the ſame kind, and went down the ſame courſe as Captain Colquitt and Mr Sparling.

Q. Mr. Grayſon was with him I ſuppoſe?

A. Yes, Sir.

Sir Alan Chambre—Then they went over the gate?

A. No; they did not Sir.

Q. They came to the gate?

A. They came to the gate.

Q. Dr. M'Cartney got out with a ſmall box?

A. With a ſmall box.

Q. Well, they purſued the ſame courſe which the other gentlemen had done?

Mr. Serjeant Cockell.—Did you perceive any thing afterwards?

A. I did not.

Q. You heard nothing?

A. I heard the report of a piſtol in a little time—I did not know whether it was one or two.

Q. After you had heard the report of piſtols or a piſtol, what farther did you obſerve?

A. I ſaw Mr. Sparling and Captain Colquitt, coming in a great hurry—they came to me and told me to drive on as quick as poſſible.

Q. At this time how was the other chaiſe ſituated?

A. I left it ſtanding at the gate in the ſame place.

Q. That was nearer the gate than your's?

A. Mine was a diſtance from the gate.

Q. Did you drive to Liverpool?

A. I drove to Liverpool.

Q. Did you receive any directions?

A. I did.

Q. Well, what were they?

A. Mr. Sparling desired me to stop at Mr. Beaton's, and give his compliments—that he had been in the country and was very well.

Q. Did you deliver this message?

A. I did Sir.

Q. What became of the parties afterwards?

A. I drove a little further down the street and stopped at another house, at which Mr. Sparling got out and went in.

Q. What house was that?

A. Dr. Stavert's.

Q. Was that all that passed?

A. No; I was ordered to drive to the hotel and to stop there.

Q. Did you drive to the hotel?

A. I drove to the hotel and stopped, and both gentlemen got out—after this I was desired to drive to the *Parade Slip*, and there I left them.

Sir Alex Chandler.—You took them to the Parade Slip?

A. I did Sir.

Q. After they had been at the hotel?

A. After they had been at the hotel.

PATRICK DIGNAN, (sworn.)

Examined by Mr. SCARLET.

Q. Patrick Dignan, were you a servant of the late Mr. Grayson?

A. I was Sir.

Q. Do you remember the morning of the 26th of February?

A. I do; it was Sunday morning.

Q. At what o'clock in the morning did you call him?

A. At a quarter past six.

Q. Did you accompany him any where that morning?

A. I did.

Q. Where did you go to from his house?

A. We went to a place called the *Park Chapel*.

Q. Did you see any chaise there?

A. Yes, I saw a chaise—when we went there were two, one chaise was turned towards Waverton—the horses heads of the other chaise were up the road—Dr. M'Cartney was coming out of one of the chaises; my master came up to him, and shook hands with him; he turned round, and said, that he believed he was too late upon account of my not calling him time enough.

Q. Who was in the chaise with Dr. M'Cartney?

A. Dr. Park; my master turned round then and asked Dr. Park might I sit in the chaise with him for a little time.

Q. Did you get into the chaise with Dr. Park?

A. I did.

Q. Which way did your master go?

A. He went down to a dingle which goes by the name of Knot's Hole.

Q. Was Dr. M'Cartney with him?

A. Yes, he was.

Q. Did you hear any thing after some time?

A. In the course of ten minutes, or so, there was a report of a pistol or pistols, which went off like as if it was one shot.

Sir Alan Chambre.—Could you diſtinguiſh if it was one or more?

A. I could not.

Mr. Scarlet—Where did the ſhot ſeem to come from?

A. It was down in the direction where I ſaw Mr. Grayſon go.

Q. From the dingle?

A. Yes.

Q. What did you do upon this?

A. I threw the chaiſe door open, and ran down into the dingle where I had ſeen the gentlemen go.

Q. When you had got ſome diſtance did you meet any perſon?

A. Yes, better than half way down I met two gentlemen who were running up.

Q. Did you know who they were?

A. I knew one of them.

Q. Who was one of them?

A. Mr. Sparling.

Sir Alan Chambre.—They were running were they?

A. They were rather in a hurry: walking pretty faſt—when I ſaw them firſt they were in a little run; but when they came up to me they were walking rather eaſier.

Mr. Scarlet.—Should you know the other gentleman if you ſaw him again?

A. I cannot ſay I ſhould, I think it was the gentleman who called the Thurſday before at Mr. Grayſon's houſe, and left his addreſs, and ſaid he wanted to ſee Mr. Grayſon.

Q. Did you ſee him then?

A. Yes, I did.

Q. Do you know him to be the ſame gentleman?

A. I cannot ſay that I could know him to be the ſame gentleman; I knew him that morning, becauſe he was in ſcarlet clothes, and in running down I did not take particular notice of him.

Q. Or that you ſhould know him now if you ſaw him?

A. I think I could.

Sir Alan Chambre.—You ſaid juſt now you could not.

Mr. Scarlet.—I aſked you if you could know the gentleman if you ſaw him now?

A. No, I could not.

Q. What did either of theſe gentlemen ſay?

A. One of theſe gentlemen, Sir, damn'd me and aſked me which way I was going—I took no notice of him but turned my attention to Mr. Sparling—he deſired me to go down for there was a gentleman dangerouſly wounded.

Q. Did you go down?

A. I did Sir.

Q. Did you go in the ſame direction from whence theſe gentlemen appeared to be coming?

A. Yes I did—it was about a couple of hundred yards from the place where Mr. Grayſon got out of my ſight.

Q. What did you ſee upon getting into the dingle?

A. I ſaw my maſter with his face towards—

Sir Alan Chambre—How far was the Dingle from the place where Mr. Grayſon got out of your ſight?

A. That is the entrance into the Dingle.

Mr. Scarlet.—Q. Well?

A. I ran down at this diſtance—my maſter was ſtanding with his face towards me ſupported by Dr. M'Cartney behind, with his hand upon his right thigh.

Q. Did you go up to your maſter?

A. Yes—and took up my maſter's coat, and aſked him if he had occaſion to walk any further—he ſaid he had walked a little diſtance from the place where the accident happened, and he could not go any further.

Q. What became of him?

A. He deſired me to go and get ſome help.

Q. Was your maſter put into the chaiſe?

A. Yes—and he deſired me to drive home and get the children, and—

Q. Did you go home?

A. Yes, I did.

Q. How long did he live?

A. From that morning to the next Sunday morning, when at a few minutes before three he expired.

Q. How much further is the Dingle from the Park Chapel?

A. Better than a quarter of a mile.

Q. Is it in the pariſh of Walton?

A. I do not know what pariſh it is in.

PATRICK DIGNAN,

Croſs-examined by Mr. Wood.

Q. Now I deſire you will tell us what the words were which the gentleman ſaid—were not theſe the words—make haſte down, there is a gentleman dangerouſly wounded. Did he not tell you to make haſte down that there was a gentleman, dangerouſly hurt?

A. Yes.

Q. And deſired you to make haſte down?

A. Yes.

Q. Which gentleman?

A. Mr. Sparling.

Q. Then you did that I ſuppoſe?

A. I did.

Q. Now, when you were examined by the Coroner, did you make uſe of theſe words when you were before the Coroner?

A. To the beſt of my knowledge I did.

Q. Will you ſwear that?

A. To the beſt of my knowledge.

Q. Why you muſt know if you did. Will you ſwear that you did not? You were examined by the Mayor of Liverpool, who acted as Coroner?

A. Yes.

Q. Now, will you ſwear that when you gave evidence before him you ſaid theſe words, that this gentleman ſaid, make haſte down there is a gentleman dangerouſly wounded?

A. No, I will not ſwear it.

Q. How happens your memory to be ſo much better now, than it was then?

A. I was very much agitated at that time.

Q. Were you not deſired to recollect what was ſaid?

A. It eſcaped my memory at that time.

Q. Then you recollect you did not mention it to them?

A. I might not.

WILLIAM ASHLEY, (ſworn)

Examined by Mr. CLARK.

Q. You are a poſt-chaiſe driver at Liverpool?
A. Yes.
Q. Do you remember driving any gentlemen in the month of February to Toxteth Park?
A. Yes.
Q. What day of the month?
A. On the twenty-ſixth of February.
Q. In the morning?
A. Yes.
Q. What time?
A. It might be between ſix and ſeven.
Q. Who were the gentlemen who got into the poſt-chaiſe?
A. Dr. M'Cartney and Dr. Park.
Q. Where did you drive them to?
A. To the Park Chapel.
Q. Was there any chaiſe there when you arrived?
A. Yes.
Q. When you drove them to this place, did the gentlemen get out of the carriage?
A. Not immediately, they waited till Mr. Grayſon came down.
Q. When Mr. Grayſon got up, did they then get out of the carriage?
A. Yes, Sir; one of them got out.
Q. Only one?
A. No Sir; only one.
Q. Which of them got out of the carriage?
A. Dr. M'Cartney.
Q. Dr. Park remained in the poſt-chaiſe?
A. Yes.
Q. Now did you hear any thing particular afterwards?
A. Yes; I heard the report of a piſtol or a gun.
Q. How long after?
A. It might be about ten minutes or a quarter of an hour.
Q. Did you hear more than one report?
A. No; only one report.
Q. How ſoon after hearing this report did you ſee that gentleman?
A. Why I cannot ſay exactly.
Q. How long do you think?
A. I cannot ſay juſt to a minute, it perhaps might be nigh half an hour from the time they got out of the chaiſe—it might be ten minutes after the report that I ſaw ſome gentlemen.
Q. Who was the firſt gentleman you ſaw after the report?
A. It was Captain Colquitt.
Q. Did you ſee Mr. Sparling?
A. Yes.
Q. The gentleman at the bar?
A. Yes.
Q. Where did you ſee them go?
A. I ſaw them get into a poſt-chaiſe.
Q. Did that paſs your poſt-chaiſe in getting into the road?
A. Yes; it was directly oppoſite the road.
Q. Did you hear either of the gentlemen ſay any thing as they paſſed you?
A. I heard Captain Colquitt ſay before they reached me—

Q. How near might they be when you heard the converſation you are going to relate?
A. About three or four yards from the place.
Q. State the converſation which paſſed?
A. Egad it had done me good.
Q. Are thoſe the very words?
A. Thoſe are the very words.
Q. Who did you drive home that day?
A. I drove Mr. Grayſon home, and Dr. M'Cartney.

WILLIAM ASHLEY.

Croſs-examined by Mr. TOPPING.

Q. Do you follow the occupation of poſt driver ſtill?
A. Yes.
Q. At what place?
A. Mr. Tyrer's, at Liverpool.
Q. Where do you come from?
A. From a place they call Lymm.
Q. Oh! you come from Lymm in Cheſhire?
A. I do.
Q. Was you examined before the Mayor on this buſineſs?
A. No I never was called.
Q. Were you at Liverpool at the time?
A. Yes.
Q. You drove Mr. Grayſon home you ſay?
A. Yes—I drove Mr. Grayſon home.
Q. You were not called up?
A. I was not called up.
Q. Where were Mr. Sparling and Mr. Colquitt when this converſation paſſed?
A. I did not ſee either of them till ſuch time as——
Q. I aſk you Sir, where theſe gentlemen were at the time you heard the expreſſion you have been ſpeaking of?
A. They were at Park Chapel.
Q. Yes Sir, but I aſk you whether they were in the field or in the lane?
A. In the field, Sir.
Q. Was there a fence?
A. No, Sir, I did not ſee the leaſt *office*.
Q. That is not my queſtion Sir, was there no hedge or fence betwixt the lane and the field?
A. There was the gate and the wall.
Q. Then there was a wall fence?
A. Yes.
Q. Now Sir, I aſk you and look the jury in the face, do you mean to ſwear, Sir, that that brave naval officer at the bar uſed the expreſſion you have mentioned, or that Captain Colquitt is a man that would make uſe of ſuch an expreſſion?
A. I do.
Q. Upon your oath, Sir, do you mean to ſwear that that brave naval officer at the bar ſaid, 'Egad it had done me good'?
A. I heard it myſelf—I heard it from Captain Colquitt.
Mr. Topping.—Believe it who can!

GEORGE STAVERT, (ſworn.)

Examined by Mr. Serjeant COCKELL.

Q. What is your Chriſtian name?
A. George Stavert.
Q. You live in Liverpool?
A. Yes.
Q. Do you remember upon the morning of the 26th of February laſt, being in the company of either of the gentlemen at the bar?
A. I was.
Q. Of which?
A. Of Mr. Sparling.
Q. Did he come to your houſe?
A. Yes.
Q. I underſtand you were dreſſing at this time?
A. I was.
Q. When he came to you did he ſay any thing to you?
A. When he came he was in great agitation, and was ſome little time in the room, before he could ſpeak. I was likewiſe in agitation not knowing why he ſhould be ſo; and he ſaid (but really I don't know his words) I have lodged or put a ball into Mr. Grayſon, and it would be neceſſary for him———
Q. Did you ſay ſo before the Coroner?
A. No.
Q. How came you not to ſay ſo before the Coroner?
A. I gave witneſs before the magiſtrate—the Coroner—and I ſhall have other evidence to give to that, I———
Q. Now, Sir, I aſk you this queſtion—did you aſk him any queſtion?
A. I did Sir.
Q. What was the queſtion you put to him?
A. I ſaid, I hoped Mr. Grayſon was not dangerouſly wounded—and Mr. Sparling's anſwer was, he hoped not, for Mr. Grayſon made ſo much noiſe, he thought it could not be of ſo much conſequence.

GEORGE STAVERT.

Croſs-examined by Mr. RAINCOCK.

Q. Mr. Sparling was in great agitation?
A. So much ſo that I could hardly underſtand him.
Q. Did you ever ſay, Mr. Stavert, to any body that Mr. Sparling upon this occaſion was perfectly cool and collected?
A. Never.
Q. Then if any perſon has inſtructed the Attorney-General to ſtate, that Mr. Sparling when calling upon you, coolly and collectedly ſaid, I have put a ball into Grayſon—is that true?
A. No it is not true.
Q. You, Mr. Stavert, I believe have been an intimate friend of the family of Mr. Sparling?
A. I have almoſt twenty years.
Q. Pray, Sir, did not Mr. Sparling come and tell you that he had *unfortunately* lodged a ball in Mr. Grayſon; that he wiſhed you to write to his mother that he himſelf was unhurt; and that as a friend to the deceaſed, when he had ſtated this, you ſaid, you hoped that Mr. Grayſon was not much hurt?
A. Yes.

Q. Mr. Sparling upon this ſaid he hoped ſo too?

A. He hoped ſo too.

Q. Did you not, Sir, upon this ſay any thing to him about medical advice?

A. As he was preparing to go he turned back, and I aſked him if he had ſurgical aid—He ſaid Park, Park, was there—I aſſured him he could not be in better hands than Mr. Park's.

Q. I think, Mr. Stavert, you ſaid you have known the family of the Sparlings, near twenty years?

A. I have Sir.

Q. Pray, Sir, what have you known of the gentleman at the bar?

A. I never in my life, Sir, ſaw a man of a more pleaſant temper than Mr. Sparling.

Q. You have known him as a boy and as a man—almoſt from his cradle?

A. I have—I was a near neighbour and a medical attendant upon the family.

HENRY PARK, (ſworn.)

Examined by Mr. SCARLET.

Q. Mr. Park, I believe you are a ſurgeon at Liverpool?

A. I am.

Q. Did you, Sir, accompany Dr. M'Cartney in a chaiſe on the 26th of February to the Park Chapel?

A. I did.

Q. At what hour in the morning?

A. The carriage called at my houſe a few minutes before ſeven.

Q. I believe you did not know the purpoſe for which you were wanted?

A. No.

Q. Did Dr. M'Cartney get out at the Park Chapel?

A. He got out of the chaiſe at the Chapel, and deſired me to do ſo too; but I declined going any further.

Q. Did you ſee Mr. Grayſon, there?

A. Mr. Grayſon came paſt, I ſhould rather ſay we paſſed him in the chaiſe, and a ſervant walking with him, about 200 yards before we reached Park Chapel.

Q. Did Mr. Grayſon come up to the chaiſe?

A. He came up to the chaiſe door—he ſhook hands with me, and then went down towards Knot's Hole.

Q. Did you hear any thing ſhortly after that?

A. In a minute or two I heard a diſcharge of piſtols, I could not exactly ſay, whether it was two or one, but I thought I could perceive a double report.

Q. Did you, Sir, after that ſee the priſoners, Mr. Sparling and Capt. Colquitt?

A. A few minutes after that I ſaw two gentlemen running up the foot road towards the lane where I was.

Q. Did you know the gentlemen?

A. A moment after I took alarm at their haſte, and afterwards found they were Capt. Colquitt and Mr. Sparling, I croſſed the ſtyle to meet them, and as I came up to them, Capt. Colquitt ſaid "make haſte Mr. Park, Mr. Grayſon is wounded."

Q. Did Mr. Sparling ſay any thing?

A. Not a word.

Q. Did you proceed further?

A. I proceeded further, and when I got over the next style I saw Mr. Grayson standing supported by Dr. M'Cartney and his own servant—upon seeing him I observed the breeches of his right thigh very bloody—there appeared a shot hole in the upper part of his right thigh near the hip—he complained of being in pain, and said the use of his limbs was gone; that he could stand no longer, and must be allowed to sit down—on this, with the assistance of some persons who were called, none of whom I knew, he was carried into the chaise.

Q. Did you attend him, Mr. Park, until his death?

A. I attended him till his death.

Q. What upon examination did you find to have been the wound?

A. We found the wound on the upper and outer part of the right thigh—the hole was sufficiently large to admit the finger, with some difficulty—at as great a depth as we could reach with the finger we found the bone bare—we discovered a hole in the head of the bone, and a ball lodged in that hole—a good deal of time was spent in endeavouring to ascertain the possibility of extracting the ball, and whether greater danger might not arise from endeavouring to extract the ball, than by letting it remain there—Then I agreed to desist from any forcible attempts. He lingered under this wound until near three o'clock on the Sunday morning following, when he died, I have no doubt, in consequence of that wound.

Q. You examined the body after his death?

A. It was about twelve hours after his death in the presence of the jury.

Q. Was there any ball extracted afterwards?

A. There was.

Q. Have you got the ball?

A. I have Sir, (Mr. Park then produced the ball, which was handed to Mr. Scarlet, and afterwards to the Judge.)

Q. Was this ball, Sir, found in the bone?

A. It was; in the head of the bone.

Q. Did you weigh the ball, Mr. Park?

A. I did not.

Q. Upon examination of the wound after his death, is it your judgment that that ball was the occasion of it?

A. I am clearly of opinion that it was.

Q. Do you know Mr. Park, whether Mr. Grayson, during your attendance on him considered himself in danger.

A. Mr. Grayson thought himself in danger from the first, he was a man naturally apprehensive under illness—more particularly so after the night of Wednesday.

Q. Do you know, Sir, whether at that time, after the night of Wednesday, he expected to recover?

A. I have reason to say he did not from his words.

Q. From the words he used?

A. Yes.

Q. Did Mr. Grayson after the time you say he gave himself up, make any communication to you with respect to the prisoner at the bar?

Sir A. Chambre.—You, yourself, considered the case as desperate after Wednesday?

A. After the alarming symptoms of Wednesday night, on Thursday I thought the case was completely desperate.

Mr. Scarlet.—Had any mortification taken place?

A. No mortification appeared externally till after death.

Q. Though you did not discover the mortification till after his death, had you any reason to believe there was a mortification before his death?

A. There were ſome ſymptoms of mortification, but there were other favourable circumſtances, ſuch as the wound yielding a matter, which gave me reaſon to hope a mortification had not taken place.

Sir A. Chambre.—What were the ſymptoms that led you to conſider the caſe as deſperate on Thurſday?

A. The ſymptoms of great diſcharge from the ſtomach, and the pulſe becoming very irregular, with occaſional delirium.

Mr. Scarlet.—What were the expreſſions that Mr. Grayſon made uſe of that led you to ſuppoſe he gave himſelf up?

A. To the beſt of my recollection they are theſe, "I am now going to appear before my God." Theſe words were repeatedly ſpoken, but on Thurſday they were firſt made uſe of—he hoped for mercy—"I might have gone with greater guilt upon my head—I might have died with the guilt of killing Mr. Sparling, inſtead of being killed by him." Adding, at the ſame time, "whatever my opinion may be as to Mr. Sparling's conduct, I freely forgive him the injury he has done me in giving me this wound, and I beg my friends may not proſecute him." I might add, at the ſame time, that though he had repeatedly mentioned Mr. Sparling's name—he declared he was ſo great a ſtranger to him, when he went out to meet him, that he did not know his perſon.

HENRY PARK,

Croſs-examined by Mr. PARK.

Q. Mr. Park, on this morning which proved ſo fatal, you ſat in the chaiſe, I think you ſaid, till you ſaw the two gentlemen running up the field—now Sir, what diſtance were they from you, when you firſt diſcovered them?

A. From two to three hundred yards.

Q. You had of courſe to get out of the chaiſe before you could get down; how near were they to the gate of the field before you met them?

A. About the mid-way.

Q. And immediately upon Captain Colquitt's getting within reach of you, he ſaid directly, "Make haſte Mr. Park, Mr. Grayſon is wounded."

A. He came cloſe up to me, and ſaid, "Make haſte Mr. Park, Mr. Grayſon is wounded."

Q. Patrick Dignan, the ſervant of Mr. Grayſon, had been ſitting in the chaiſe with you at the time, had he not?

A. He ſtepped out juſt before me.

Q. Did he get any great diſtance before you, being more active than you?

A. Yes, he was more active than I.

Q. Yes, and got ſome little way before you—but were you not near enough to hear?—who met them firſt?

A. Dignan met them firſt.

Q. Did you, or did you not, hear what Dignan has ſtated, that Mr. Sparling ſaid, make haſte, there is a Gentleman dangerouſly wounded—Dignan having ſworn that, the other gentleman ſpoke to you in much the ſame language, deſiring you to make haſte in the words you have mentioned?

A. He did.

Q. Thoſe declarations were made to yourſelf in the manner ſtated—ſaying, he forgave Mr. Sparling, and hoped his friends would not proſecute him?

A. Yes.

Q. I believe you have known the gentleman at the bar, Capt. Colquitt, longer than any gentleman in the world? I underſtand you aſſiſted in bringing him into the world?

A. I did.

Q. Have you had occaſion to know him, frequently having been in his company ſince, as a townſman and neighbour?

A. Very ſeldom.

Q. Then you are not perfectly acquainted with his general character in the world for mildneſs and gentleneſs?

A. I have no reaſon to believe that his conduct was at any time otherwiſe than that of a gentleman.

PETER ELLAMES, (ſworn)

Examined by Mr. CLARK.

Q. Mr. Ellames, you are a relation of the deceaſed by marriage?

A. I married his ſiſter.

Q. When did you laſt ſee the deceaſed, before his death?

A. I am not ſure whether I ſaw him after Friday—I ſaw him on Friday.

Q. Was it in the morning?

A. I think it was ſomewhere about twelve o'clock.

Q. Was Mr. Grayſon at the time you ſaw him on Friday, impreſſed with the idea of approaching death?

A. He was.

Q. Under that impreſſion, what did he ſay to you?

A. I believe I muſt preface it by telling you that—

Q. State to me diſtinctly (without any preface) what the deceaſed ſaid at the time you ſaw him; or what declarations he made?

A. He ſaid he would not make any declaration how he came by his death; that if he did, he ſhould hang Sparling, or I ſhould hang Sparling, I do not know which it was.

PETER ELLAMES,

Croſs-examined by Mr. WOOD.

Q. Pray did not you inſert an advertiſement in the public papers?

A. I wrote one.

Q. Was it inſerted?

A. It was.

Q. I believe you wrote a letter with it—read that and ſee?

Mr. Ellames then read as follows:

"SIR,

"You are requeſted to inſert the encloſed advertiſement in your newspaper of to-morrow, by

Your humble Servants,

7th March, 1804.

SAMUEL RENSHAW,

To Mr. Gore,

PETER ELLAMES."

A. I believe theſe are the very words I wrote.

Q. And that this is the advertiſement you cauſed to be inſerted in the papers? read it and tell us whether that is the advertiſement?

A. I do not know whether it is correct or not, I have got a draft of it here.

Q. Read that advertiſement if you pleaſe.

Mr. Ellames then read as follows:

"MURDER.

"Whereas the Jury ſummoned by the Coroner to view the body of the late Mr. Edward Grayſon, ſhip-builder, who died on Sunday laſt, did by their verdict, on Monday laſt, find that *William Sparling* (late of St. Domingo) Eſq. and *Samuel Martin Colquitt*, (the Commander of his Majeſty's frigate Princeſs) are guilty of the wilful murder of the ſaid Edward Grayſon, and warrants are iſſued for their apprehenſion. And whereas the ſaid William Sparling and Samuel Martin Colquitt have fled or abſconded

And whereas the ſaid William Sparling and Samuel Martin Colquitt, have been, or one of them has been, concealed in the ſaid frigate; and they, or one of them are, or is ſuſpected to be now concealed therein, or in ſome other ſhip or Veſſel in the River Merſey, or in the Town of Liverpool, or the Neighbourhood thereof. Notice is hereby given, that *if any perſon ſhall knowingly harbour or conceal the ſaid William Sparling, or Samuel Martin Colquitt, or aſſiſt them, or either of them, in making their or his eſcape, he will be an acceſſary to the aforeſaid Murder, and guilty of felony.*

Mr. Wood. Now Mr. Ellames, I would aſk you whether Mr. Statham did not wait upon you, before you inſerted it, and inform you, Mr. Sparling would ſurrender himſelf?

A. Not before the death of Mr Grayſon.

Q. No, but before you inſerted it?

A. I ſaw him in the ſtreet.

Q. What did he tell you?

A. He told me he was inſtructed to inform me, that Mr. Sparling would ſurrender, but he had not had it from Mr. Sparling.

Q. And therefore you inſerted the advertiſement?

A. I will tell you the reaſon.

Mr Wood. No your reaſon will not be evidence.

Mr Ellames. But it may be a vindication of my conduct.

(End of the Evidence for the Crown.)

Sir Alan Chambre. William Sparling, Eſq. It is proper to inform you, in this ſtage of the buſineſs, that your Counſel cannot addreſs the Jury. And I muſt give the ſame information to Captain Colquitt. This is the time, at the cloſe of the proſecution, for you to make your defence, and if you wiſh to ſay any thing to the Jury, you will now do it. Mr. Sparling is firſt named in the indictment—would you wiſh it to be read by ſomebody who has a ſtronger voice than yourſelf—by the officer of the Crown?

Mr. Sparling. By one of my Counſel my Lord.

* Mr. SPARLING'S DEFENCE, read by Mr. PARK.

MY LORD AND GENTLEMEN OF THE JURY.

As I am entirely unaccuſtomed to the proceedings of Courts of Juſtice and ſhould, probably, from the novelty and awfulneſs of the ſituation, be rendered incapable of expreſſing myſelf as I could wiſh; I have put down in writing, a few obſervations, which I think material for the defence of myſelf and of *my friend Captain Colquitt.* The charge againſt us is that of deliberate and wilful murder, and as my conſcience wholly acquits me of any crime, I rely with confidence upon your *verdict in our favor.* Indeed, Gentlemen, by voluntarily ſurrendering ourſelves to take our trial at this

* The publiſher does not pledge himſelf for the *verbatim* accuracy of theſe defences, as it has not been permitted him to ſee the originals. They are printed from the ſhort-hand writer's copies; that part printed in the Roman letter was written in the court after the ſpeaker, and what is now printed in *Italic* has been ſince ſupplied, partly from recollection by ſome profeſſional Gentlemen, and partly by attention to the context. The publiſher, however, has conſiderable ſatisfaction in ſaying, that Mr. Sparling's is allowed by all who heard it at the time, and have ſince read the copy to poſſeſs a very conſiderable degree of correctneſs.

bar, we have given a solemn pledge of our respect for an English Jury.—*And notwithstanding all the* odium, all the calumny, *all the* misrepresentations *and all the falsehoods* which have been cast upon my character, by malignant *and vindictive persons*, I still know that I shall be tried by an upright Judge and a dispassionate Jury. The Newspapers, and even the Pulpit have been prostituted, I may say profaned, by invectives against me, and even endeavours *have been made* to stir up the very persons who now sit upon my trial. But, Gentlemen, notwithstanding all these *odious aspersions*, I have hitherto been silent, reserving myself for your impartial hearing, and *solemnly declare that while* I state the circumstances of this unfortunate *and melancholy* affair; I am more solicitous to preserve my honor than my life, and I know my friend would not wish me to *save* him by uttering a falsehood.

My family, (it perhaps is known *to you*) have been for some time *settled* in Liverpool, and though I was born *there*, and spent my childhood in that town, yet when I came in the winter succeding my father's death to reside there, I was in a great *measure a perfect* stranger. I had spent some years in the *university*, *and* in the army, in the service of an illustrious Prince who has in the most handsome manner written *a letter in my* favor, and though I am not sure whether the rules of law will allow me to produce it in this Court, *yet*, however, I am proud to have in my possession *so honourable a testimonial, the grateful recollection of* which death alone can efface.

In November, 1802, I first expressed to the daughter of Mr. Renshaw *my affection for her; at which time also*, I first expressed to him that I had conceived an affection for his daughter, *an affection both honourable and sincere*, and I have still, I assure you, the highest sense of her merits and her virtues. For her sake, Gentlemen, I have borne much—I have been silent under the most odious calumnies. I feel greatly for the afflicting situation in which the rashness of her relations has placed her, *and I feel reluctant* and unwilling to distress her more *than by saying that* after a very short acquaintance I made proposals, which were eagerly accepted by her father: and as I proposed after my marriage to *reside at Petton, an Estate in Shropshire, I went there with my friend, Mr. Bolden, to prepare such alterations and additions to the house as were deemed necessary.*

We left Liverpool on Monday the 29th of November, and returned from *Petton*, on Saturday the 4th of December. The object of my journey will be *fully* explained by Mr. Bolden. We arrived in Liverpool, *on Saturday the 4th December.* In the afternoon I visited Mr. Renshaw, and returned home, *to my house at* Saint Domingo, *where I found* the letter which has produced so much mischief—it was without a signature, and had been put into the post-office at Liverpool, *in my absence.* The contents I shall not state further; but briefly remark, that *some of the circumstances mentioned in it, I knew could not be true, yet, there were others, which, if true, would have afforded an insurmountable objection to my connection with the family.* I was much afflicted *at the contents of this letter*, yet as my acquaintance with the Renshaw family had been of short duration, I thought no imputation could attach upon me for discontinuing my addresses to the lady under these circumstances *until an explanation had taken place.* This (to me most painful subject) much perplexed me, but I conceived it would be the most honourable and proper course I could pursue, to shew the letter immediately to Mr. Renshaw, and I hoped the whole would prove to be a most malicious fabrication. I desired my mother to acquaint Mr. Renshaw with its contents. After this, Mr. Renshaw expressed a desire to see me, and I had an interview with him. What happened on that occasion, Mr. Bolden can state. I shall only say, that some circumstances were explained, but there were others which required farther explanation, and Mr. Renshaw promised to make further enquiries to that purpose. At parting Mr. Renshaw took

me twice by the hand, and apologized for not taking off his glove—this *took place on Wednesday the* 8th of December.* It is material to obſerve to you, that we *then lived* near enough to have enabled Mr. Renſhaw to have ſent during the courſe of the ſame evening, what further communications he might have thought neceſſary to have made to me on this ſubject, ſo highly intereſting to us both. And, Gentlemen, the reaſon why the letter was not ſhewn him earlier is this; one of his daughters, then lately dead, was not buried until Monday the 6th, and I thought it improper to intrude upon his affliction. But, Gentlemen, how have I been calumniated! it has been ſaid that I received the letter *the day before* I went to Petton, *and* that I continued my viſits on purpoſe to inſult the family, *with that letter in my pocket*; and *it* was one of *the* aggravating *accuſations againſt me, that* I purpoſely choſe the very time when his daughter lay dead in the houſe! Gentlemen, theſe calumnies are ſo ſtrong, they are ſcarcely *within the limits of belief, or the ſcope of poſſibility.* That I went to Petton in the higheſt *ſpirits, and with the gayeſt proſpects of* my marriage, *and* impatient of *my* abſence *is moſt true.—And I now ſolemnly declare, that* (when I proteſt that I had not ſeen this anonymous letter before my journey to Petton, nor *known* that the *circumſtances*, or that the objections mentioned in it exiſted) I ſpeak the words of truth and ſincerity, and ſhould expect to be deteſted if it were otherwiſe. The letter was given up to Mr. Renſhaw by me, and I waited with anxiety without receiving any communication from him. *I conceived that* as we lived *only* two miles from each other, my not hearing from him was quite unaccountable *and being* in great uneaſineſs on this account, I reſolved to go from home. I wrote to Mr. Bolden previous to my leaving home, ſaying, if any thing required my preſence I would return. On the 12th, Mr. Renſhaw ſent a note to Mr. Bolden requiring my addreſs. Mr. Bolden

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* The following letter, written at this ſtage of the buſineſs, was not produced in Court; but as copies of it have been handed about in Liverpool, and as it ſerves materially to elucidate ſome things in the ſubſequent pages, there ſeems a propriety in here inſerting it.

"St. Domingo, 8th Dec. 1802.

"SIR,

"My mother has informed me of her decided objections to my marriage with your daughter, they were not ſtated to me 'till late on Saturday laſt. I do not know whether ſhe explained thoſe objections to you, but if well founded you cannot be ſurprized at her oppoſition, or my approval of it. Circumſtances like theſe are calculated to make an impreſſion on the mind of any man, and the oppoſition of my friends ought to have weight in an affair of ſuch importance. My conduct 'till theſe unfortunate circumſtances were known to me, muſt have convinced yourſelf and family of the ſincerity of my intentions. Had I previouſly known them, I certainly ſhould have acted differently. It is ſome conſolation to me, that my acquaintance has been of ſhort duration; I may therefore hope that all recollection of the paſt will ſoon be obliterated.

"Of you and your family I ſhall always think with reſpect, and to hear of your daughter's happineſs, will be the greateſt hapineſs I can look forward to, for, believe me, the impreſſion made upon my mind, leaves me in a ſituation by no means to be envied. The decided objection of all my relations and friends cauſes me to be thus explicit. If you conceive it neceſſary to ſee me, I ſhall be at home this day, at five o'clock.

"I remain, Sir, your obedient Servant,

"WM. SPARLING."

"*To Rev. S. Renſhaw.*"

called at his house that evening, gave him the address, and after some conversation, in which Mr. Renshaw replied, the letter would remove all my futile objections, and saying, "You Mr. Bolden and I can talk calmly of these matters, and even laugh at them;" Mr. Bolden proposed my health which Mr. Renshaw drank*, *and then directed that* letter in his presence—a letter to clear up all difficulties. What a letter! Good God! Gentlemen, you would scarcely believe that this letter, though sent under the appearance of friendship, was filled with invectives and aspersions too odious for me to dwell upon. Gentlemen, I must beg leave to read it as it is:

"SIR,

"As it was entirely for my own satisfaction, that I insisted upon seeing you; so is it for the same reason that I now think it worth while to address you; few as the minutes are, which it will require, and which God knows, had I not this inducement, I could not apologize even to myself, for such an unworthy application of my time. I have enquired as far back as living testimony can be had, into the health of my family, and find both to my comfort and conviction, though I am aware that it will impart neither the one nor the other to you, that the imputation you had heard, and was so fain to believe, must have been engendered in the vilest depravity of heart. The testimony on which I ground my belief, is beyond your power to impeach. It goes back to the unusual extent of more than eighty-six years; it is testimony to which any one may resort, and to which I will introduce the most scrupulous enquirer, and it is on the validity of this testimony that I dare to pronounce, without incurring the censure of presumption—for what presumption can there be in comparing me and mine with you and yours—that my family has always been as it now is, as pure in its blood, as it was till lately superior to yours in fortune, and ever I trust will remain in character and desert. My father's midshipsition to which, when you alluded I bid you throw aside all delicacy, though the advice was unnecessary, born as you were without one generous sentiment, and having imbibed insolence in its purest state at your mother's breast, was the first object of my anxious enquiry. And what think you was the cause? Was his father a lineal descendant from Lazarus? No; he was a venerable, healthy, and I will add a respectable gentleman.—Whence then did it proceed? Why Sir, it proves to have taken place when at school; it was owing to the exertions of such an active mind and body, as nature thought it unworthy of her to bestow upon you. It was but of very short duration; it has had no recurrence, and it now remains only to be known through the mistaken management which prevailed in those days. It was such as I am professionally instructed to say is happening every day from the same cause; a cause which has no connection with any constitutional malady; but which through the improvements of modern practice seldom leaves any vestage for keen-sighted malevolence to misconceive and propagate. I think myself entitled to expect from you full credit for the statement I have here made. It is true I may be too sanguine in my expectations, as it frequently turns out that unwilling people do not become Proselytes.—But get it or get it not, I think myself

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* *The Publisher is authorised to say, that Mr. Renshaw has made oath before a Magistrate, that this representation is utterly void of truth—nothing like it having occurred at the interview alluded to, between him and Mr. Bolden. Mr. Sparling's name being only mentioned, so far as it related to the obtaining of his address, when Mr. B. requested that as they thought differently upon this subject, the conversation upon it might wholly drop, which was actually the case.*

intitled to it because you may remember, that when you moved, the objection, I could not undertake to account for the appearance 'till I had gained that information which I did not then poſſeſs. But knowing as I now do, the cauſe, and convinced that I run not the ſmalleſt riſque of contradiction, I will confidently maintain that there is not a particle of truth in charging the family, from whence I am proud to have ſprung, with any hereditary complaint: And mark me, Sir, for "butcher's curs are venom-mouthed*," that the repreſentation whereſoever and by whomſoever made, is, in plain language, *a lie*.—I would uſe an epithet to that, could I have found one to increaſe the meaning and to add odium to the word. In your letter to me which I preſerve as a curioſity by which your true character in 1802 may be known at any future period, you tell me with all the characteriſtic frigidity of Mr. Sparling, that you will ever maintain a high eſteem for me and my family. I thank you Sir, it is pretty, it has cuſtom on its ſide, it is ſanctioned by very great authority. It was hardly ever known that the aſſaſſin in intention who was convicted on the black act, did not, juſt before he made his exit at Tyburn, take a civil leave of thoſe he had injured! And could you, baſe Sir, a vile aſſaſſin, who would have deſtroyed the peace, happineſs and proſpects of a family, do leſs at parting? Mr. Sparling's eſteem! gracious heaven, what a matchleſs preſent! What a ſoothing aſſurance! What an obliterating bonus is here offered, in extenuation of ſuch dereliction of principle and ſuch turpitude of conduct, as it would not be poſſible, was all you can command turned into gold and that gold beaten into the thinneſt plate; to conceal from the eyes of the world. Away, away with all your reſpect. Take back again I pray you your proffered eſteem: no ſuch wicked thing; no ſuch deteſted gift; no ſuch impure offering ſhall remain under my roof, and if, armed as you are with apathy ſeemingly impenetrable, and bearing in your breaſt a heart buttoned up with ſteel, conſcience can make no approach to preſent a remonſtrance and to diſturb your mind; to the favor of receiving it back again add yet another, that of blotting me and mine out of your remembrance.—It will be the greateſt favor you can confer upon us.—To be connected with, to be even remembered by you would contaminate us beyond any thing elſe that can be laid to our charge. Miſtake me not however, ſo far as to imagine that I am indifferent to eſteem; that I court not reſpect; you would wrong me by ſuch an inference.—Yes, I always have done, I always will do ſo, and I hope not in vain—But then a queſtion here ariſes; whoſe reſpect and whoſe eſteem is it? The value of ſuch an enviable poſſeſſion depends altogether upon the character of thoſe who profeſs to regard us.—It is not the eſteem of every one, it is the eſteem of the honeſt, it is the reſpect of the wiſe and the virtuous that is alone worthy of deſire and purſuit: that of worthleſs men, which is the vileſt traſh in the world, while it muſt degrade us in the opinion of others, cannot raiſe us in our own. Surely then you muſt have been under a temporary forgetfulneſs, or you could never in your moments of moſt conſummate vanity have imagined that the reſpect of ſuch a one as yourſelf; a man whom every worthy perſon muſt henceforth view with contempt and conſign to infamy, would not be ſpurned away with abhorrence by an inſulted parent; a man whom I can poſitively aver from my own ſhort experience to be without feeling and without honor. What think you of the picture drawn? Is it not a ſtriking likeneſs of an original, which, ſkulk where you will, whether here or beyond ſeas, will always be in your poſſeſſion? The merit of the picture is, that it is truly drawn;—If the colours are not bright blame not, I beſeech you the artiſt; when the cauſe is owing to the blackneſs, the infernal blackneſs of him whom it repreſents.

* *For the illuſtration of theſe words, I refer you to your Mother.*

" I would just tell you before we part, that the anonymous letter is truly every day less and less a mystery; that its fabrication seems of home-spun materials, of maternal texture or connivance; that the post-office date appears to impeach in a high degree your veracity as to the time of your acquaintance with its contents; and on supposition that I am right in my conjecture, that I was not too hasty or too harsh, nay you yourself allowed the charge, in telling you that your last visit in Bold-street was that of a cool, abandoned, determined, villain. Something may yet turn up to give me an opportunity of again telling you my mind, which rest assured, I never shall be afraid of doing.

" SAMUEL RENSHAW."

Liverpool, Bold-street, 11th Dec. 1802.

Gentlemen, this letter distressed and shocked me, there was no occasion for any thing to add to its irritation.—*I felt myself* reviled in the midst of my distress.—All ideas of a reconciliation or of a connection with the family vanished, *and every other objection, when compared with that of calling the person capable of writing such a letter my father.* Had Mr. Grayson a right to call me a villain and a scoundrel for not continuing my addresses afterwards? Had he a right to threaten, as he has frequently done, to chastise me? How I acted under the *impulse of the moment I will explain to you* Gentlemen—I returned an answer, which I hope is unobjectionable. As it will best describe my feelings on this occasion, I will read it—

Tewkesbury, December 15th, 1802.

Sir,

I have received your letter, which I have read with every sensation of surprise and disgust. When I last saw you, you thought proper at parting, (apologizing for not taking off your glove) to present me your hand, in token I supposed of being satisfied with my conduct. You replied also to a question from Mr. Bolden " that the affair required no farther discussion." You now write me one of the most furious and I hope unjust letters that passion ever dictated. You seem to forget that it was on your own information respecting the marks on your father's neck that I acted. I remained at home the whole of the *day* succeeding the one on which I met you, expecting you would take the trouble of convincing me of my error had I been mistaken—This you did not think proper to do. You now inform me of what I certainly was not previously acquainted with, " that a disease exists arising partly from mental exertion, from which Nature in her anger has exempted me. You do not expect to impress belief, let me add that you could not possibly wish to do so, if you had, you would have written in a very different manner, you would have endeavoured to refute, not to have overflowed in invective. The contradictions between your words and your letter are too striking to be passed over. When I last saw you, you expressed your belief of the assertions made by Mr. Bolden and myself, that 'till late on Saturday none of the objections I afterwards advanced had been made to me, and that the letter I placed in your hands was not received by me 'till the same evening, this assertion I renewed in the most solemn manner, for though I despise your passion and your language, it would give me pain, knowing that any man could think me capable of such conduct. You said that you was but little acquainted with me, not knowing me sufficiently well to call me Sparling, and now you take upon you to give me a character from your own personal knowledge. You draw a frightful character of him who a fortnight ago you and your family thought it an honor to be connected with, " because he was a man of integrity." Strange that objecting to this malady should appear a crime of so deep a dye! Convinced that my conduct has not been blameable I feel no sensation of alarm for what as you express it " may

yet turn up"—And I reject with abhorrence your supposition that the anonymous letter originated with my mother. You must permit me to assure you that I skulk no where, my address being known must convince you to the contrary.—Your Poetical quotation I should not have understood had I not been able to make out part of the two lines you chose attempting to obliterate; but why try to erase them? delicacy or propriety of language seem totally unknown to you. From what I can make out I learn, what I knew not before, that some Relation of mine keeps a Butcher's Stall in Lancaster, this though I know nothing of it, may very probably be true, as many of my relatives in Liverpool and elsewhere are in very low situations. But this appears to me to be of not any importance. I knew equally well that your daughter was not rich and that I was a man of to-day. With respect to my expression of esteem; let that give you no further pain, it was offered before you had written, and when I thought you incapable of writing such a letter as the one now before me. You are sensible that no inducements of avarice, ambition, or a wish to connect myself with a family I was scarcely acquainted with, could have given rise to the affection I have felt and still feel for your daughter, and though painful circumstances have occurred to prevent an union, nothing has occurred to diminish my love for her.

WM. SPARLING.

Rev. S. Renshaw, Bold-street, Liverpool.

To this answer there was no farther *reply from which* I hoped the angry spirit would subside, *upon reflection*—I was, however, mistaken, my forbearance was misconstrued into *conscious guilt*—and my silence afforded full scope for *animadversion*. It was supposed from the declarations of Mr. *Grayson*, that I was unable *to vindicate my conduct*, and that I had retired in order to conceal myself; because though he knew my address, he chose falsely to *assert* I was *not to be found*.

I resolved to go abroad: In March, 1803, I went into France *and other parts of the Continent*, and continued until the war compelled me to return. On my arrival in England, last September, I found the active malice of my enemies had succeeded but too well in their attempts to destroy *the comfort of* my life by the imputations cast upon my character, and it became *necessary for me to* justify my conduct. I was informed Mr. Grayson still continued to call me a scoundrel, and a villain, and would chastise me whenever he could find me. In a few days I received the long letter from him in answer to mine, which has also been read.—*After which*, other letters passed, in his second letter to me he expressly admitted, that he made use of the language I charged *him* with, and declared *that for my unmanly*, my *ungentlemanly* and most abominable conduct to his niece, had he then fallen in company with me *and known my person*, he had no doubt he should have put his threats in execution. *That he gloried in his expression, and that if he had a thousand lives, he would forfeit them all sooner than retract* the language I had accused him of using, and till I could make it appear clear that I had acted honorably to his niece, *Miss Ann Renshaw*, he should consider himself justified in the eyes of God and man *for what he had said*, and, which is utterly unfounded in *truth, namely*, that he had every reason to believe that I had attempted to "betray the honor, virtue and innocence of his niece."—*Gentlemen*, after so base an insinuation, some allowance must be made for my feelings, and no language to Mr. Grayson can be afterwards deemed intemperate. Mr. Renshaw's letter to me had for ever closed *my* lips—the language and spirit of that letter formed an insuperable bar to my design *of union with his family*—or of justifying myself to him—one or two other letters were written, and at Mr. Grayson's desire every

thing was suspended. In the mean time my character suffered—I was pointed at as a person who was afraid to *shew myself*—Gentlemen, Mr. Grayson and I were strangers to each other, though he resided in Liverpool, my acquaintance with the family had been so very short, I had not been introduced to him, *I knew not his person*, I bore no malice against him, and I never desired him to retract *words* in an ungentlemanly way; having not a wish but that of justifying my own conduct to the world—*Gentlemen, I applied to my friend Capt. Colquitt*, on account of his known good temper, *and I request you* to compare *his* defence *with mine*.—In this unfortunate affair he has done every thing that man could do to prevent its proceeding *to the extent it unfortunately has done*, and still hoping to bring the dispute *to an honourable adjustment*. I came to Liverpool on the evening of Wednesday the 22d Feb. last—on the next morning I consulted some friends, whether they thought my honour would suffer by accepting an apology.—The letter from Mr. Renshaw to me had been shewn to Mr. Grayson, and which I had hoped would have induced him to retract his expressions.—*And, Gentlemen, Captain Colquitt*, my friend, will state to you what pains he took for that purpose. I never required more than that Mr. Grayson should say the expression had escaped him in the heat of passion, and that he did not mean to chastise me; and as I wished only to justify myself, I informed him, by *my friend*, that I expected from him nothing humiliating; nor did I wish to expose him to the world, and should certainly only mention the circumstance to a very few of my nearest relations.—All these proposals were continued to the last moment *of the discussion* yet they were sternly *and obstinately* rejected by Mr. Grayson; though I entertained hopes to the very last *moment* I was unfortunately disappointed.—In his attempting to chastise me I need not say what has happened.

Among other calumnies, it has been industriously circulated that I practised firing the pistol *at a mark*; before the time; I can with the strictest truth declare I did no such thing, and though my pistols were new, I had particularly refrained even from firing *them to try them*. My friends know I scarcely ever use a shooting piece, and as to a pistol I had not fired one for above nine years.—Mr. Grayson made use of *one of my* pistols; *and his ball passed just over my head*.—Against that gentleman, whose person I scarcely knew, whom I had never met, and who, previous to my offering *my hand* to Miss Renshaw, I had not the slightest idea was connected with the family, I could have indulged no malice—I greatly lament the fatal accident and the circumstances which occasioned it.

Gentlemen, these are the facts on which I rest my defence, if they be confirmed by the evidence I trust you will not withhold from me your belief of the truth of them, and of the motives by which I have been actuated.——My mind deeply wounded, was kept in a constant state of feverish agitation;—Gentlemen, I give you a pledge of my honour that my conduct has always been subservient to my principles, and they form the features of my character. I appeal to all those valued friends who now surround me whether I am likely to nurture the seeds of malice and revenge—amidst all the horrors of my situation I feel a secret joy and consolation that my conduct in life can have drawn together so many respectable characters from every quarter of the kingdom—to them, whom nothing could restrain from coming here from so great a distance and publishing to you and to the world, a full description of my character, I offer my warmest thanks—they I am sure will be aware how much it has been my wish that no unnecessary delay should arise so as to detain them from their several military and important stations. It would ill accord with the sentiments I have ever entertained of honourable con-

duct, to risk the safety and character of thousands for the preservation of myself. I have little more to add—Gentlemen, it is with you to return me unsullied to society or to consign me to the grave—I trust, however, there is not one of you who does not feel for a man in my situation—against the deceased I could harbour no ill will for we were strangers to each other; but do you think I could see my character destroyed, my honour injured, my hopes ruined, my expectations blasted, and myself abandoned by all? Better would it be to die than to live forsaken by my friends, shut out from my wonted society, degraded, insulted, despised and forsaken.

CAPTAIN COLQUITT'S DEFENCE.

Capt. Colquitt began by remarking that — After the very able defence which had been just made by his friend, Mr. Sparling, against the charge which had been the consequence of the late unfortunate transactions, and which had led to this solemn appeal to the justice of the Court, it would be improper in him to take up more of its time than was absolutely necessary to impress upon the minds of the Jury, some particulars materially connected with the defence of himself, and of his fellow prisoner. Capt. Colquitt then proceeded to exculpate himself from other concomitant charges, which might have been brought against him, and which he was "as incapable of as he was of that charge which freezes the blood, and harrowed up his soul—" Bred up in the Royal Navy of Great Britain, and having had the honour of holding a rank in it he early imbibed the sentiment, that to be respected as an officer he must never lose sight of those necessary qualifications of persons in his situation, without which the British Navy could never have arrived at that splendid station which rendered it at once the pride and glory of our own country, and the admiration of the surrounding nations.

"Having been some time intimately acquainted with his friend who now stood with him at the bar, (who had received a liberal education in the University and had been in the service of his Royal Highness the Prince of Wales) he could not therefore but be surprised at the unfounded aspersions against him, and being at that time in the confidence and friendship of Mr. Sparling, he was applied to by him to rescue his character from the imputations cast upon it by the unhappy man whose death was so seriously lamented. Though ignorant of the course of proceedings in courts of justice, he relied with confidence on his Lordship; and having no doubt that the court felt for persons in their unhappy situation; he relied with confidence for protection from the injuries they might otherwise sustain. He had internal evidence of his own, and the testimony of that honor which with all due humility he ventured to assert had often been acknowledged, and the loss of which would render him unworthy of the important station in which he had been placed; as to the truth of the plain, unvarnished recital he was about to make.

"About the middle of October last, (continued Captain Colquitt) I received a letter from Mr. Sparling, inclosing a copy of one he had received from Mr. Grayson, requesting me as his particular friend to make enquiry into the reasons of delay alluded to in it; afterwards I received another letter from him inclosing one to Mr. Grayson, which he requested me to deliver, but being confined to the house I transmitted the letter by a person with an apology for not waiting upon him personally—and requesting an interview as soon as convenient to him. The day following he called at my father's house, when I told him I was informed of the difference between him and Mr. Sparling, which I understood had been the effect of some very harsh expressions he had used towards Mr. Sparling,

desiring to know if it was true and requesting an apology. He replied that my information was true and that he merited them for his base conduct towards Miss Ann Renshaw; for which he never would make any apology. He then told me that the purpose of his coming to me that day was to express a wish that the difference between him and Mr. Sparling might remain suspended; he mentioned his reason for it, and requested my opinion whether that was in my judgment a sufficient cause for the delay he then required.—I answered I thought it was a sufficient reason.—Soon afterwards I communicated to Mr. Sparling the result of this conversation, and desired he would make me acquainted with all the circumstances of the intended marriage; why it had been so abruptly broken off, as it hurt me very much to hear the injurious reports respecting his conduct, which were the general topics of conversation in Liverpool."—This Mr. Sparling did, by transmitting to Capt. Colquitt a letter he had received and likewise the letter from Mr. Renshaw. On the receipt of this letter he waited on Dr. M'Cartney, shewed him Mr. Renshaw's letter, and expressed his confidence that if it was shewn to Mr. Grayson it would have the desired effect. Dr. M'Cartney read the letter in Capt. Colquitt's presence, promised to shew it to Mr. Grayson, and invited him to breakfast with him. In three or four days he again saw Dr. M'Cartney, who said he was sorry to inform him that Mr. Renshaw's letter afforded no conviction to Mr. Grayson.—In this state matters continued until the 2nd February last, when he (Capt. Colquitt) accidentally heard at a ball that Mr. Sparling was in Liverpool, and afterwards met him at the house door of Mr. R. Benson. In the course of conversation Mr. Sparling enquired whether any endeavours had been made to prevail upon Mr. Grayson to apologize and if he had consented? He (Capt. C.) replied he was very sorry to say he had not. Mr. Sparling requested he would make another attempt to prevail upon Mr. Grayson to apologize—he went—but not finding him at home he told his servant he would call the following day at nine o'clock,—On going to his house, at that hour, he met him a few yards from his own door and they walked down the street, arm in arm—Capt. C. here related the substance of this conversation and said that "he used every argument that occurred to him, to prevail upon him to make a proper apology, but, apparently, without effect."

"I then," said Capt. Colquitt, "endeavoured to persuade him on the ground of Mr. Renshaw's most abusive letter," Mr. Grayson acknowledged that Mr. Renshaw's letter ought not to have been written, but said, every body abused Mr. Sparling's conduct. Here Capt. Colquitt mentioned some further particulars of this conversation; and in reply to a question put by Mr. Grayson, he said, "He (Mr. Sparling) does not require it (the apology) to be made to himself—it will suffice if you will retract the word chastise." "No! No!" says he, "I never will." On which (said Capt. C.) I told him, "it was improper for me to remain with him to hear him abuse the character of a friend whom I loved and esteemed." "I beg your pardon Capt. Colquitt," said Mr. Grayson, "it is not my intention to offend you, but I will not retract any thing that I have said." Finding Mr. Grayson thus obstinate, and that he refused to retract, he (Capt. Colquitt) told him he would again see Dr. M'Cartney. This he afterwards did, and communicated to Dr. M'Cartney, the substance of this conversation; Dr. M'Cartney assured him he would do all in his power to bring this matter to a favorable conclusion. "Thus, Gentlemen," continued Capt. Colquitt, "I have to the best of my recollection reported; and now submit to your consideration, the circumstances which have attended this unfortunate affair. Of my own character it would ill become me to say any thing. I rely, with confidence, upon your justice, administered as I am sure it will be in this Court."

EVIDENCE FOR THE PRISONERS.

JOHN M'CARTNEY, M. D. (ſworn.)

Examined by Mr. Wood.

Q. Dr. M'Cartney, do you remember Captain Colquitt applying to you in February laſt to ſettle the diſpute betwixt Mr. Sparling and Mr. Grayſon?

A. I do,

Q. Do you remember his ſhewing you a letter of Mr. Renſhaw's?

A. He did not ſhew me that letter in February, it was much ſooner.

Q. Did he ſhew you a letter which the priſoner at the Bar received from Mr. Renſhaw?

A. He did.

Q. Well, will you look at that letter if it be the ſame he ſhewed you?

Mr. Serjeant Cockell. My Lord, I beg to know how a letter of Mr. Renſhaw's can be evidence?

Mr. Wood. Now Sir, do you recollect that letter being ſhewn to you?

A. Not in February laſt—I don't know when I ſaw that letter—it was long before that—it might be about the beginning of November laſt.

Q. Did Captain Colquitt deſire you to ſhew that letter to Mr. Grayſon?

A. I think he did.

Q. Now Sir, did you ſhew that letter to Mr. Grayſon, and what did he ſay?

A. I ſhewed him the letter.

Q. What did he ſay?

Sir A. Chambre. Do you recollect the time?

A. I think, my Lord, it might be the day after I ſaw Capt. Colquitt.

Mr. Wood. When you ſhewed that letter to him, what did he ſay?

A. I cannot charge my memory with the particulars of that converſation.

Q. Did Mr. Grayſon read that letter?

A. I think he did—but I really don't recollect that circumſtance.

Q. Did you deliver it to him?

A. I put it into his own hands.

Q. Had he time to read it?

A. He had not time to read it then.

Q. Did you leave the letter with him?

A. I gave him the letter which he looked over, and I can mention what he ſaid.

Q. What did he ſay?

A. He ſaid he had nothing to do with the quarrels or the letters of any other perſon.

Q. Was that all he ſaid?

A. It was not.

Q. What more did he ſay?

A. He ſaid that without he could be aſſured that the conduct of the gentleman alluded to in that letter had been different from what he ſuppoſed, that it made no difference to him—I ſhould ſay Mr. Sparling.

Q. Now how ſoon after that did you ſee Capt. Colquitt again?

A. I think after that the Captain called upon me—it was not always convenient for us to meet each other immediately, I having my own applications to attend to and the Captain being ſometimes on board the ſhip ſo that ſome days elapſed between our meeting.

Q. Some days between?

A. I cannot exactly ſtate how many but ſometimes it happened that more than a fortnight elapſed.

Q. Did Capt. Colquitt desire you to apply to Mr. Grayson to make an apology for the offensive words he had made use of towards Mr. Sparling?

A. Yes.

Q. Do you recollect when that was Sir?

A. I think the first time with respect to the apology was about the 8th January, if I recollect right.

Q. Did Capt. Colquitt mention to you the apology which Mr. Sparling expected?

A. Not at that time.

Q. Did you make it known to Mr. Grayson?

A. I did, but I was going to add the words—Captain Colquitt had received a letter a day or two before from Mr. Sparling, which letter he gave me to read.

Q. Well what answer did you give in consequence to that?

A. I was going to mention a part of the contents of the letter.

Q. Well but you have not got the letter?

A. I have not.

Q. What is become of the letter?

A. It was given back to Capt. Colquitt—I gave it myself.

Q. What did Capt. Colquitt say to you at the time he gave you this letter?

A. He desired me to read over the letter and to shew it to Mr. Grayson—I did not only read it over myself but also shewed it to Mr. Grayson.

Q. Now Sir, will you relate what he desired you to propose to Mr. Grayson?

A. He then desired me not to propose any thing to Mr. Grayson, but barely observe that he (Mr. Sparling) expected an ample apology, that nothing else would satisfy him.

Q. Were the terms of the apology mentioned?

A. Not then.

Q. Well, did you communicate that to Mr. Grayson?

A. I did.

Q. What did Mr. Grayson say to that?

A. He said that conceiving that Mr. Sparling's conduct to his niece (if I recollect right) was scandalous and ungentlemanlike, that he thought no man of the same mind would ask an apology from him.

Q. Did you communicate that answer to Capt. Colquitt?

A. I did—he further added—that he expected rather that the apology would have come from Mr. Sparling—and he gave a reason for expecting it which I think myself bound to repeat—that he had sent him a challenge and accused him of having told a falsehood, without enquiring whether he had done so or not, impeaching his veracity in the first letter which he had received, and on account of what I mentioned of his conduct to his niece.

Q. Well, did you communicate it to Capt. Colquitt?

A. Yes.

Q. Now had you at any time afterwards, any other proposal made by Capt. Colquitt?

A. I had—it was the day before the unfortunate affair happened.

Q. Now will you relate what he proposed?

A. Capt. Colquitt called at my house about five o'clock in the afternoon of Saturday, and told me.——

Q. Had Capt. Colquitt called upon you before that?

A. He had.

Q. Several times?

A. Once or twice.

Q. Now at that time, what was said about ——

A. When he breakfasted with me he always expreſſed himſelf ——

Q. When did he breakfaſt with you?

A. I don't recollect.

Q. How long before this happened?

A. It muſt have been a good many days, perhaps more than a fortnight.

Q. Was any thing ——

A. The day before, I had a meeting with him at the hotel.

Q. Now when you were together do you remember ſetting the matter over a glaſs of wine?

A. You are confounding two different things.

Q. Relate what paſſed at that time?

A. That was on the Saturday afternoon, the day before the unfortunate affair happened—Capt. Colquitt called when I had finiſhed dinner, and he came and told me in a very few words indeed, that Mr. Sparling inſiſted upon Mr. Grayſon's recalling or retracting (I don't recollect well which) the words which Mr. Sparling thought injurious to him—regret that he had uſed them—or that he muſt meet Mr. Sparling at ſeven o'clock the next morning—that was the time when we drank the glaſs of wine.

Q. Had you had any meeting before that?

A. Yes, at the Diſpenſary—Capt. Colquitt called upon me at the Diſpenſary the day before—he called about eleven o'clock, perhaps about half paſt—I offered to go with him, he ſaid not at all—I'll wait for half an hour—I went down to the hotel by appointment, and we retired into private room.

Q. Well?

A. We mutually expreſſed our regret that the buſineſs was likely to be ſo ſerious.

Q. What was the reaſon of it not being ſettled?

A. The reaſon was, what I call Mr. Sparling's *ultimatum*; it was ſuch as Mr. Grayſon ſaid he never could in honor agree to.

Q. Now ſtate what that was?

A. He was deſired to recal or retract injurious words uſed concerning Mr. Sparling—regret that he had uſed them—or meet him at ſeven o'clock the next morning.

Q. Was he ever required to make an apology in perſon?

A. He was not.

JOHN M'CARTNEY,

Croſs-examined by Mr. Serjeant Cockell.

Q. Will you pleaſe, Sir, to look at that paper—did you ever go with that paper to Capt. Colquitt.

A. I did.

Q. At the inſtance of Mr. Grayſon?

A. Yes.

Q. In conſequence of a converſation that had taken place betwixt Mr. Grayſon and Capt. Colquitt?

A. Yes.

Q. Do you know whether that paper was not put in your hands to read over to Capt. Colquitt, to aſcertain whether it was a faithful account of what had paſſed between the two?

A. For the expreſs purpoſe.

Q. Did Captain Colquitt aſſent to it?

A. He did in a very handſome manner.

Q. I ſuppoſe you mean to ſay he ſaid it was a faithful ſtatement?

A. He did, and that the reaſons contained in it were perfectly ſatisfactory.

Q. How much delay had been granted to him before that paper was written?

A. From the 29th, 27th, or, 23d of Sept. to the date of that letter.

Q. Whether Mr. Grayſon was not extremely deſirous of having the matter poſtponed, and you did not communicate that deſire?

A. I explained every thing—all the cauſes and reaſons for the delay.

Q. Now I juſt take the matter up where my friend Mr. Wood left it and I am now coming to the day when you took the letter—you ſay that Mr. Grayſon thought the apology ſhould proceed from him—about what time was it?

A. That the letter was taken by me?

Q. Yes?

A. I took it the moment I received it.

Q. Do you remember when about?

A. I remember it was about October.

Sir Alan Chambre.—Then there had been a delay from the 23d of September to that time.

A. There had.

Mr. Serjeant Cockell.—Was there any farther delay granted by Mr. Colquitt, or Mr. Sparling after that letter?

A. Captain Colquitt told me, that he was ſatisfied with the reaſons, and that he would write what I told you.

Q. Now did you hear any more of the challenge till the day that you have been already ſpeaking of?

A. Yes.

Q. When was the firſt time?

A. The time that we either met at my own houſe, or that I met Capt. Colquitt in the ſtreet—it was in general the ſubject of converſation.

Q. And then the laſt time was the time you have already been ſpeaking of, when Capt. Colquitt told you, Mr. Sparling required that he ſhould either recall or retract the words—regret that he had uſed them—or meet him at ſeven o'clock the next morning?

A. That was the laſt time.

Q. Now I will aſk you Sir, what further paſſed—that if he did not do it what was further to be done?

A. He muſt expect his name to be poſted in the books of the Athenæum.

Q. Then the alternatives were, that he muſt recall or retract the words, regret that he had uſed them, or meet him at ſeven o'clock next morning, or expect to ſee his name poſted in the books of the Athenæum?

A. Yes—this, I think, I ſhould call the Coffee Room, or Library.

Q. I think, you ſaid, Doctor, that Mr. Grayſon ſaid he would not make an apology while things remained as they were?

A. He ſaid he could not conſiſtently with his honor.

Q. Did he explain himſelf farther upon this ſubject?

A. Explain himſelf?

Q. Yes; what did he ſay was the reaſon that things ſtood as they were?

A. Do you mean to aſk me any farther queſtions as to delay?

Q. Did you communicate the converſation you had to Mr. Grayſon?

A. I promiſed to communicate it in an hour.

Q. Well?

A. It was rather more than an hour when I ſaw Mr. Grayſon, after the conference with Captain Colquitt—and before I had called upon Captain Colquitt a ſervant from the royal hotel called with a note.

Q. That is the letter?—(Shewing a letter.)

A. That is the letter.

Q. Now, Sir, did you ſee Mr. Grayſon after receiving that letter?

A. I did; I gave it him to read.

Q. Had you any converſation upon the ſubject of that letter with him?

A. I gave him the letter to read.

Q. Well; before I aſk you what the converſation was—I will aſk you—did you afterwards communicate it to Captain Colquitt?

A. I did.

Q. Now what was the converſation?

A. It was to fix the hour, the time and place.

Q. However, there was a communication with Captain Colquitt—did you communicate to Mr. Grayſon, what Captain Colquitt had told you with regard to it?

A. I did.

Q. When was that?

A. It was on Saturday, the day before the unfortunate affair.

Q. Doctor, did Mr. Grayſon ever ſay—and did you communicate it if he ſaid ſo, that he would make no apology till Mr. Sparling explained his conduct?

A. He did ſay ſo—I mentioned that he thought the apology ſhould come from Mr. Sparling.

Mr. Serjeant Caulfield.—And *that* you communicated?—that is all.

JOHN M'CARTNEY,

Re-examined by Mr. Wood.

Q. Now, Doctor M'Cartney, did you not ſee Captain Colquitt afterwards?

A. I did.

Q. That ſame day?

A. That ſame day.

Q. Now, Sir, did not Captain Colquitt, at that time, mention that Mr. Sparling would be ſatisfied with a private apology?

A. I do not recollect—I juſt mentioned before that it was to fix the time and place.

Q. Do you remember Mr. Grayſon coming down to the hotel, when you and Captain Colquitt were together?

A. I do; it was about half paſt eight o'clock.

Mr. Wood.—And you do not recollect what paſſed at that time.

The following paper was then read by the Clerk of the Crown:

"In conſequence of a note from Captain Colquitt, received this 15th October, 1803, I firſt ſaw Dr M'Cartney, and then immediately waited upon Captain Colquitt, after ſome little explanation, I told the Captain how I was circumſtanced with five children whom I loved as my ſoul, but ſhould be aſhamed to make that an excuſe for my not accepting a challenge, were my affairs properly arranged; I then explained the nature of my building ground, obſerving that my own life was in the leaſe, and that, if any thing ſhould happen to me, my children would not only be deprived of the ſupport of their father, but their fortunes moſt materially injured by only having two, inſtead of three lives, in that now very valuable property, the Corporation having declared, they would not renew, if any life ſhould drop, and for which reaſon (though clearly againſt my own intereſt) I had on the 28th ultimo, in conſequence of receiving W. S's. challenge—petitioned the Corporation (through the medium of Mr. Foſter) to exchange my life for another of the ſame age, which, if they objected to it, I preſſed him very ſtrongly to recommend them to leave the whole or any part of the land they might want to arbitration—as I only wanted what I conceived a fair price between man and man—I alſo remarked that Mr. Foſter was in London, but expected home almoſt immediately, that previouſly to his leaving Liverpool, he promiſed on his return to take my buſineſs into further conſideration, I ſay further, for he had already, on his own private account, recommended my taking

ſome other land, in part of exchange and to which I had not objected—I alſo explained ſome other matters reſpecting my foreman and my buſineſs—but the grand point with me was my timber-yard, the other being only ſecondary conſiderations—I then candidly appealed to Captain Colquitt, not only as a gentleman and a man of honor, but in the double capacity of W. Sparling's ſecond and friend, whether he thought the reaſons I had advanced, were of ſufficient weight for me as a gentleman and a man of honor, to wave meeting Mr. Sparling till ſuch time as my affairs were more arranged—adding, that if he did not think them in the ſtricteſt ſenſe of the word ſufficiently ſtrong, I was both ready and willing to give William Sparling an immediate meeting; when Capt. Colquitt declared, as a man of honor he was perfectly ſatisfied with the cogent reaſons I had advanced, conceiving ſtronger could not well be given—and though I have the ſtrongeſt faith in Captain Colquitt's word and honor, I could wiſh my friend Dr. M'Cartney, when he waits upon Capt. Colquitt, as my ſecond, to aſk him if I have not here ſtrictly deſcribed what paſſed this morning between us, for in a caſe like the preſent I cannot be too correct, as not only my own honor, but my ſecond's alſo is at ſtake.

Having read the above memorandum to Capt. Colquitt, he aſſented to its correſpondence with the converſation held with Mr. Grayſon, and informed me he would write to Mr. Sparling, informing him that he was perfectly ſatisfied with E. Grayſon's reaſons for delay.

J. M'CARTNEY.

Sir Alan Chambre.—Dr. M'Cartney, do you know whether after you met Captain Colquitt on the Saturday, he did not converſe two hours, or ſome conſiderable time with Mr. Grayſon?

A. Two hours, my Lord? Not that I know of.

Sir Alan Chambre.—Mr. Grayſon never told you that he had ſuch converſation?

A. He never did, my Lord.

EDWARD BYRNE, (ſworn.)

Examined by Mr TOPPING.

Q. Mr. Byrne, you I underſtand, are a merchant in Liverpool?

A. I am.

Q. Did you know Sir, the late Mr. Grayſon?

A. I did.

Q. Did you happen, Sir, to ſee him in the month of January or February twelve-months at the Athenæum?

A. I did.

Q. I don't know if you recollect the time?

A. I recollect ſeeing Mr. Grayſon between the hours of nine and ten o'clock in the evening, at the Athenæum.

Q. Was Mr. Grayſon alone at that time, or in company?

A. In company with three or four, walking up and down the room.

Q. Did he addreſs any converſation to any of thoſe perſons with whom he was walking?

A. He addreſſed himſelf—

Mr. Serjeant Cockell.—Does your Lordſhip think this can be any evidence?

Mr. Topping.—Do you recollect Sir, where you were at the time?

A. I was ſitting at the upper end of the table in the room, reading the paper.

Q. Did you hear then any converſation addreſſed by Mr. Grayſon, to this company with whom he was walking?

A. He addreſſed himſelf to one perſon in particular, at leaſt, I conceived ſo.

Q. What was the language he addreſſed to that gentleman?

A. He ſaid you will probably ſee Sparling, and you will recollect, that "I ſay he is a damn'd raſcal.

RALPH BENSON, Esq. (ſworn.)

Examined by Mr. RAINCOCK.

Q. You were in London in the month of September laſt? A. I was.

Q. At the time Mr. Sparling returned from abroad? A. Yes.

Q. You ſaw him?

A. I ſaw him.

Q. At this time, was there any converſation between you and Mr Sparling reſpecting theſe matters?

A. Yes there was.

Q. Did you, Sir, communicate to Mr. Sparling the reports current in Liverpool reſpecting him? A. Yes, Sir, I did.

Q. Any thing that particularly related to Mr. Grayſon? A. Yes.

Q. What was that?—Did Mr. Sparling aſk you any queſtions?

A. I was in London, in September, and going to my lodgings I found Mr. Sparling there—I felt great ſurpriſe at ſeeing him there not having heard of his arrival in England—I don't know whether he obſerved any ſhyneſs in my addreſs, but I could not help congratulating him on his return to England.

Q. You congratulated him upon his return to England—Did you ſay any think reſpecting a letter?

A. I found from the converſation, that he had been ſpeaking of the various abuſes that he had ſuffered———but from delicacy I wiſhed to wave the ſubject.

Q. Did Mr. Sparling aſk you whether you had heard Mr. Grayſon ſay any thing?

A. On his going out of the room I followed him.

Q. Did any body go out along with you?

A. No, we went out together.

Q. Did Mr. Sparling aſk you any queſtions, whether you had heard Mr. Grayſon ſay any thing?

A. On his going out of the room he took me by the hand, and ſaid, Mr. Benſon I am very wretched indeed.

Q. What more?

A. I find, in my abſence, that, in every quarter, Mr. Grayſon has been uſing the epithets, coward and villain, of me—my anſwer was, I feel Sparling very much for the ſituation in which you ſtand for though all theſe reports have been ſo much to your prejudice, from the length of time I have known you, I could not credit them to the extent. I regret you did not leave your friends in poſſeſſion of ſuch facts as to have enabled them to refute the calumny.

Q. After this, did Mr. Sparling aſk you whether you had yourſelf heard Mr. Grayſon ſay any thing reſpecting him?

A. Yes, he did.

Q. What anſwer did you give?

A. I told him, as a mutual friend to both parties, I ſhould have been the laſt perſon to have mentioned theſe reports which I had heard, but that as they were ſo notorious, I felt no heſitation in confirming what he had already heard.

Q. Mr. Benſon, do you recollect, Sir, Mr. Sparling calling at your houſe in the morning of the 23d of February?

A. On Thurſday the 23d.

Q. Was Captain Colquitt with him;

A. He was.

Q. Did you upon the 24th, on Friday, ſee Mr. Grayſon?

A. Yes I did.

Q. Where was it, Sir? A. I met him going down Bold-ſtreet.

Q. At this time, Mr. Grayſon and you had ſome converſation?

A. Yes, I firſt came to Mr. Grayſon when Mr. Norris was with him, and we walked to the Athenæum ſteps.

Q. Did Mr. Grayſon ſay any thing to you, Sir, reſpecting Mr. Sparling?

A. Yes he did. Mr. Norris ſaid he was going to the Poſt Office and left us—Mr. Grayſon ſaid pray where are you going? I told him I was going from home for two or three days? He aſked me, are you going to leave your friend—I aſked him, which friend he meant? he ſaid, Mr. Sparling, —he aſked if he was not at my houſe? I told him he was not, that I had ſeen him the day before, and underſtood that he was at the Hotel.

Q. What did Mr. Grayſon ſay then?

A. I ſuppoſe your young friend imagines that, from the length of time I have put off our meeting, I don't mean to fight him, but he will find himſelf egregiouſly miſtaken, for I glory in what I have ſaid of him, and I will not retract it to the laſt moment.

Q. Did he ſay what were the expreſſions he had uſed?

A. He had called him a villain and he gloried in it; I told him, I could not have any communication with him upon that ſubject, ſhook him by the hand, and wiſhed him a good morning.

RALPH BENSON.

Croſs-examined by Mr. Serjeant COCKELL.

Q. Did you receive, Mr. Benſon, upon the morning of Sunday, any meſſage into your houſe? A. I did.

Q. Who was it brought by?

A. I heard a violent ringing at my door, and almoſt inſtantly another, I looked over the bannifter and ſaw my ſervant coming up, and cried out, what is the matter?—the ſervant ſaid, a man has called here to ſay that Mr. Sparling has walked out and is very well.

Q. Now I will aſk you, if Mr. Sparling had told you at any time that he was to take a walk out?

A. No, upon my honor—and upon my oath.

JOHN BROWN, Esq. (ſworn.)

Examined by Mr. PARK.

Q. Were you acquainted with the father of Mr. Sparling, the priſoner at the bar? A. I was.

Q. How long were you acquainted with his father?

A. Upwards of thirty years.

Q. I believe, Sir, that is before the priſoner was born? A. It was.

Q. Did that intimacy continue from that time down to the hour of his death? A. It did.

Q. Then, of courſe, Sir, you have known the gentleman at the bar from the time of his birth? A. From his boyiſh years.

Q. What has been his character as to gentleneſs, mildneſs, and conciliatory diſpoſition?

A. He never was a forward aſſuming young gentleman; he was remarkably mild and gentle in his manners.

Q. After this I need hardly aſk you if he was a quarrelſome man?

A. I never ſaw it in my life.

CAPTAIN PALMER, (ſworn.)

Examined by Mr. WOOD.

Q. You are Captain of a regiment of dragoons—are you not?

A. Yes.

Q. How long have you known the priſoner at the bar?

A. About 12 or 14 years.

Q. Were you at ſchool with him? A. I was.

Q. Then you have known him perfectly well, all that time?

A. I have.

Q. Now, Sir, I would aſk you what is his general character as to his temper and diſpoſition?

A. Why, Sir, I think nobody can give a juſter opinion of his character than myſelf.

Q. Now ſtate what his diſpoſition is?

A. I do not believe that a man of greater honor or integrity exiſts.

Q. Now, as to his temper?

A. I always found him of a perfectly quiet and inoffenſive diſpoſition.

Sir HUNGERFORD HOSKINS, (ſworn.)

Examined by Mr. Topping.

Q. Do you know Mr. Sparling, Sir? A. Yes I do.

Q. How many years have you known him?

A. Ever ſince the year 94.

Q. I believe you was at the ſame College? A. Yes.

Q. Has your acquaintance with Mr. Sparling continued from that time to the preſent? A. Yes.

Q. I need not aſk then, whether you had an opportunity of knowing his temper and diſpoſition? A. Particularly ſo.

Q. What is that gentleman's diſpoſition as to mildneſs, gentleneſs and ſerenity of manners?

A. It has been the admiration of all his friends.

Q. Did he ever, during your acquaintance with him, indicate any ſigns of a quarrelſome temper?

A. Far from it, Sir. I believe he would be the laſt perſon to offer an injury.

Rev. EDWARD JOHNSON, (ſworn.)

Examined by Mr. Raincock.

Q. When, Sir, were you firſt acquainted with Mr. Sparling?

A. From his firſt coming into the College where I was, about nine years ago.

Q. Have you continued your acquaintance with Mr. Sparling and knowledge of him ſince that time? A. Yes, by correſpondence.

Q. How long were you at College with him?

A. I was, a great part of the time, between three or four years.

Q. During the time, Sir, of your knowledge of him, what has been his character and diſpoſition?

A. I am particularly able to ſtate his character, from having been very particularly intimate with him.—We were very ſeldom a day apart while at College, and I never remember him in a ſingle inſtance, break through thoſe rules of moderation which he had formed to himſelf—he was of a remarkably good diſpoſition; his conduct was regulated by thoſe principles of moral ſentiment, which were more reformed than thoſe of moſt young men.

Q. Of courſe, Sir, I need not aſk you whether he has at all ever been engaged in quarrels?

A. I never remember an inſtance of that.

GEORGE BOLDEN, Esq. (ſworn.)

Examined by Mr. Healde.

Q. Do you know Mr. Sparling? A. Very well.

Q. How long have you known him? A. From his infancy.

Q. Are you nearly of the ſame age?

A. I believe I am about a year older.

Q. What opinion have you of his character—what is his character for mildneſs of diſpoſition?

A. Particularly mild and gentle, and particularly cautious always of giving offence.

Q. Did you ever know him Sir, to be engaged in any quarrel whatever. A. Never.

Rev. FRODSHAM HODSON, (ſworn.)

Examined by Mr. Park.

Q. You are a clergyman at Liverpool, Sir? A. Yes.

Q. How long have you known Mr. Sparling?

A. Intimately, about nine years.

Q. Have you had opportunities of obſerving during that time any particular traits in his diſpoſition?

A. Many, both at College and at Liverpool.

Q. What has been his character, Sir, during theſe nine years for mildneſs, gentleneſs of manners and qualities which are engaging in ſociety?

A. Remarkably mild and forbearing.

Q. If he had been of a quarrelſome diſpoſition Mr. Hodſon, ſhould you have had opportunities of ſeeing it?

A. Yes, I muſt have ſeen it if it had exiſted: he is very unlikely to engage in a quarrel, and very incapable of purſuing it with malice.

Rev. JONATHAN BROOKS, (ſworn.)

Examined by Mr. Wood.

Q. Are you acquainted with Mr. Sparling? A. Yes.

Q. How long have you been acquainted with him?

A. From his infancy.

Q. Have you been intimately acquainted with him?

A. I was not at the ſame ſchool but I lived in the ſame town.

Q. Are you well acquainted with his temper and diſpoſition?

A. Yes I am—during his vacation from College our intimacy was conſtant.

Q. Have you had opportunity of ſeeing his temper and diſpoſition, and being well acquainted with him? A. Certainly.

Q. Now Sir, I would aſk you what is his character with reſpect to temper and diſpoſition?

A. I think his manners peculiarly mild, that he has great gentleneſs of diſpoſition, I never knew him in the leaſt inclined to quarrel, and from the character I have formed of him, I think him incapable of any malicious or revengeful feelings.

WILLIAM HARPER, Esq. (ſworn.)

Examined by Mr. Topping.

Q. You are the preſent Mayor of Liverpool? A. Yes.

Q. How long have you known Mr. Sparling?

A. I have known him two and twenty years.

Q. You have known him then from his earlieſt infancy?

A. From his being a little boy at ſchool.

Q. During all your knowledge of him, what does his diſpoſition appear to be? Does it appear to you to be that of a quarrelſome or of a mild diſpoſition?

A. Yes, he was of the moſt mild and gentle diſpoſition of any young man I am acquainted with. I always thought him, from my knowledge of him, to be a pattern for young men of his age.

SOLOMON D'AGUILAR, Esq. (ſworn.)

Examined by Mr. Raincock.

Q. How long have you known Mr. Sparling?

A. About 15 years.

Q. During that time, Sir, have you had opportunities of knowing his character? A. Perfectly well.

Q. Pray, Sir, what is the nature of his character and diſpoſition as you have obſerved? A. Uncommonly mild and gentle in his manners.

Q. Did you ever Sir, obſerve any thing quarrelſome? A. No, Sir.

JOHN JONES, Esq. (ſworn.)

Examined by Mr. HEALDE.

Q. You are a gentleman of our profeſſion, are you not? A. Yes.
Q. Do you know Mr. Sparling?
A. Yes, I have known him for twelve years.
Q. Where did your acquaintance with him commence?
A. At Eton.
Q. Were you at College with him?
A. We were at the ſame ſchool and in the ſame univerſity, but at different colleges.
Q. Have you had an opportunity of knowing his character?
A. His character has ſtruck me to be peculiarly mild long before this, more ſo than moſt young men.
Q. You conſider him a mild and inoffenſive man? A. Yes.
Q. Not prone to quarrel? A. No.

LORD VISCOUNT CARLETON, (ſworn.)

Examined by Mr. PARK.

Q. My Lord, I don't need to put the queſtion, as almoſt every body knows your Lordſhip was Chief Juſtice in Ireland? A. I was.
Q. Of what Court was your Lordſhip Chief Juſtice?
A. Of the Court of Common Pleas.
Q. Do you know the gentleman at the bar, Mr. Sparling? A. Yes.
Q. How long has your Lordſhip known him?
A. Since the latter end of the year 95.
Q. Has your Lordſhip during that time, had frequent opportunities of knowing his manners and diſpoſition?
A. I have.
Q. From your Lordſhip's obſervation of his diſpoſition, what is it in your judgment?
A. It appears to me that he is a very quiet, civil, well-conducted gentleman, perfectly free from any diſpoſition to give offence, or to quarrel.

MAJOR-GENERAL CARTWRIGHT, (ſworn.)

Examined by Mr. WOOD.

Q. I believe Major-General Cartwright you were Lieut.-Colonel of the 10th Regiment of Dragoons? A. Yes?
Q. Is that the Regiment Mr. Sparling was in?
A. Yes it is.
Q. How long were you Lieut.-Colonel of that Regiment?
A. I commanded it during the whole time he was in it.
Q. How long have you known him?
A. Since his entrance into the army—ſince the year 1797.
Q. Have you had frequent opportunities ſince, that of obſerving his temper and diſpoſition?
A. I have had many and frequent opportunities, from dining with him at the ſame table, and living in the ſame houſe.
Q. Then, Sir, what has been his temper and diſpoſition, according to your obſervations?
A. To the beſt of my obſervation his temper was peculiarly mild and gentle, moſt remarkably ſo. I think the prominent features in his character were mildneſs and gentleneſs of manners. His character in other reſpects was extremely amiable, perhaps, I might add that when he quitted the regiment I was extremely concerned that he ſhould do ſo, as I thought him an amiable man, and a deſerving officer, and I took ſome pains to perſuade him to continue in it.

Lord ROBERT MANNERS, (sworn.)

Examined by Mr. Topping.

Q. How long have you known Mr. Sparling?

A. I think about five years.

Q. He was in the same regiment as you? A. He was.

Q. Had you an opportunity, in consequence of being in the same regiment with yourself, of knowing Mr. Sparling's character and disposition?

A. I had.

Q. I will thank you to state what it was?

A. He was perfectly mild, quiet and gentlemanlike, and as little likely to bear malice as any man I am acquainted with.

Q. Was that, Lord Robert, the character he universally bore in the regiment?

A. I believe, it is the universal opinion of his brother officers, that it was his real character.

Lord CHARLES MANNERS, (sworn.)

Examined by Mr. Raincock.

Q. How long has your Lordship known Mr. Sparling?

A. Five Years.

Q. During the time you have known Mr. Sparling, what is your opinion of him?

A. I always considered him a particularly mild, gentle and inoffensive man, I will repeat the word *particularly*.

Q. Now when you were with him, Sir, had you frequent opportunities of learning the nature of his disposition?

A. The time we were in the same regiment was, I believe, two years, during which I had frequent opportunities.

Lord JAMES MURRAY, (sworn.)

Examined by Mr. Healde.

Q. Do you know Mr. Sparling, my Lord? A. Yes.

Q. When did your acquaintance begin?

A. It began about six years ago, at Dorchester.

Q. Were you an officer in the army at that time, my Lord?

A. Yes, in the Prince's Regiment.

Q. Was Mr. Sparling an officer? A. Yes.

Q. Was you frequently with him? A. Yes, I was.

Q. You had then many opportunities of knowing his character; will you state to the court what the character of Mr. Sparling was in the army?

A. I always thought him a gentle inoffensive man.

Q. Was that the general opinion of his brother officers? A. Yes.

Colonel MACDONALD, (sworn.)

Examined by Mr. Park.

Q. I believe you are a nephew or relation of the Lord Chief Baron of the Court of Exchequer? A. I am.

Q. How long have you known Mr. Sparling?

A. About nine years.

Q. Where did your acquaintance with him commence?

A. We were at the same College at Oxford—afterwards in the same regiment—it was a strong inducement to me to go into that regiment, because Mr. Sparling was in it—a friend I so much respected.

Q. Now, Sir, during the whole of this time, after what you have said, I believe I need hardly ask you what his general character has been?

A. Particularly mild, peaceable and inoffensive.

MAJOR SEYMOUR, (ſworn.)

Examined by Mr. WOOD.

Q. How long have you been acquainted with Mr. Sparling, Sir?

A. Since the year 1797.

Q. Have you been intimately acquainted with him ſince that time?

A. I have known him more particularly from commanding the troops in which he did the duty of a ſubaltern officer.

Q. Well, Sir, I would aſk you what his character is?

A. I was conſtantly alone with him in detached quarters—conſequently I had an opportunity of knowing his character as well as any body.

Q. Then Sir you will be ſo good as to ſtate what that character is?

A. It ſtruck me as being particularly good-natured, amiable and mild.

Mr. Park.—My Lord, we have yet ſix or ſeven witneſſes remaining for Mr. Sparling, but as I am ſure, your Lordſhip muſt be fatigued, we will proceed to Captain Colquitt's.

Sir Alan Chambre.—Not at all.

Mr. Park.—It is not of any conſequence, my Lord, we will proceed to the evidence for Captain Colquitt.

JONAS BOLD, Eſq. (ſworn.)

Examined by Mr. PARK.

Q. Mr. Bold, have you been acquainted, Sir, for any length of time with the family of Captain Colquitt?

A. From his infancy.

Q. Have you had frequent opportunities of ſeeing Captain Colquitt himſelf, from that time down to the preſent?

A. Very frequently at my own houſe, he was intimate with my boys.

Q. Did his intimacy with your ſons, ever give you an opportunity of judging of his character?

A. It did.

Q. What do you ſtate, Sir, from your obſervations, the character of Capt. Colquitt to be?

A. As a man, and as a boy, he was of ſuch an amiable character that I was happy always to ſee him in my houſe.

Q. Was he, either, Sir, as a man or a boy of a troubleſome diſpoſition?

A. The very reverſe; I beg leave to add farther, that from the very high opinion I had of Captain Colquitt, I was induced to place a ſon of my own, under his care, in the ſame ſhip.

Rev. PHILIP KITCHEN, (ſworn.)

Examined by Mr. WOOD.

Q. How long have you known Captain Colquitt?

A. From his infancy.

Q. Was he under your care at ſchool?

A. He was a pupil of mine, for not leſs than five years.

Q. Now, during that time did you obſerve his diſpoſition?

A. His diſpoſition was moſt amiable, and his conduct extremely regular.

Q. Have you known him ſince that time?

A. I have, ſince he has grown up.

Q. Since he has grown up—what has been his character, ſince he was at ſchool?

A. He is a perfect ſtranger, I believe, to the paſſions of hatred, malice, or revenge.

COMMISSIONER COFFIN, (sworn.)

Examined by Mr. TOPPING.

Q. You were a Captain in the Royal navy?

A. Yes; and I am so still.

Q. When did your acquaintance with Captain Colquitt commence?

A. Twenty-five years since.

Q. I believe that was in the early part of his life?

A. It was; I took him to sea in the Melampus.

Q. What age was Captain Colquitt at that time—what age was he when he first came to you?

A. About fourteen.

Q. Did the situation in which he was, give you an opportunity of thoroughly knowing Captain Colquitt's disposition?

A. It did.

Q. What were his temper and disposition?

A. A lively chearful disposition.

Q. Was he a quarrelsome or good-tempered man?

A. He was by no means a quarrelsome man, or I should never have patronised him—I recommended him to Sir Edward Pellew.

Q. Of course you entertained the best opinion of him?

A. I always viewed him with the eye of a parent and a friend.

THOMAS CLAUGHTON, (sworn.)

Examined by Mr. RAINCOCK.

Q. How long have you known Captain Colquitt?

A. From his earliest infancy.

Q. What has been his character and disposition?

A. He was one of the most good humoured and well disposed boys at school,—his conduct was such as to conciliate the affection and regard of all who knew him, and the observations I have been able to make on his conduct in the world since that time have confirmed my opinion.

REV. JONATHAN BROOKS,

Examined by Mr. HEALD.

Q. How long have you known Captain Colquitt?

A. I have known him from a boy, Sir—we were at school together.

Q. You were at the same school?

A. Yes, we were.

Q. When Captain Colquitt has been absent at home from the service of his country, have you had frequent opportunity of seeing and being with him?

A. Yes, always.

Q. Have you had opportunity of judging of his character since he left school?

A. Yes.

Q. What was the character of Captain Colquitt, as a boy at school, and as a man?

A. As a boy, one of the best tempers I ever knew—he had, when a man, the highest generosity and kindness of disposition, nor do I know any one for whom I have a higher value or esteem.

THOMAS JOHN BARKE, Esq. (sworn.)

Examined by Mr. Park.

Q. Have you known the prisoner, Captain Colquitt, and how long?
A. From a boy.
Q. Were you at school with him? A. No.
Q. But you have known him from a boy?
A. Yes Sir,—particularly for the last four or five years.
Q. Has your intimacy Sir, enabled you to form a judgment of his character and disposition?
A. I have made a particular and very decided judgment of his character which I have been able to form.
Q. What then, Sir, is your opinion as to his character, particularly for disposition and temper?
A. I believe him to be perfectly good-humoured—a young man of great benevolence of heart—of strict and honourable principle.
Q. Did you ever see any thing quarrelsome in his disposition?
A. By no means.

Rev. FRODSHAM HODSON, (sworn.)

Examined by Mr. Wood.

Q. How long have you been acquainted with Captain Colquitt?
A. I have known him intimately about ten or twelve years.
Q. Have you observed what has been his temper and disposition?
A. I believe it was impossible to know him without loving him.
Q. What are his qualities?
A. I believe him to be manly, honorable, affectionate, and generous.

Rear Admiral RICHARD SMITH, (sworn.)

Examined by Mr. Topping.

Q. How long Admiral Smith have you known Capt. Colquitt?
A. From a boy.
Q. Have you had from that knowledge of him ample opportunities of knowing his temper and disposition?
A. Certainly.
Q. I would ask you Sir, from your knowledge of his temper, disposition and character, what is the leading disposition of Capt. Colquitt?
A. I well know him to be an open, generous, well-conducted young man, good-tempered to the last degree.
Q. Is that, Sir, the character he has borne among the officers of the navy?
A. Yes, and he has added every addition to that character since he has grown up.

Captain DREWRY, (sworn.)

Examined by Mr. Raincock.

Q. Capt. Drewry how long have you known Capt. Colquitt?
A. Since the year 1796.
Q. Have you known him intimately?
A. Not so much acquainted till the beginning of 1801, in which year we lived together and served in the same ship.
Q. What is the character that Capt. Colquitt bore during the time you were together on board the ship, and at other times?
A. That of a very honorable, mild, gentlemanly man.

Captain BRACE, (sworn.)

Examined by Mr. Heald.

Q. Captain Brace, you command the Castor?

A. Yes I do?

Q. Have you had any opportunity of knowing the character of Capt. Colquitt? A. Yes.

Q. How long have you been Captain?

A. About eight months.

Q. How long have you known Capt. Colquitt?

A. About six months.

Q. Have you been intimate with him since that time?

A. I have had much intercourse with him both in public and private life, since we were together.

Q. What is the character of Captain Colquitt?

A. A very correct, gentlemanly man, a very mild gentleman, and I have in that short time formed the highest opinion of him.

Captain CULVERHOUSE, (sworn.)

Examined by Mr. Park.

Q. Captain Culverhouse, what is your command at present?

A. I have the command of the impress service at Liverpool.

Q. How long have you been there?

A. Since the month of August.

Q. Had you known Capt. Colquitt before you went there or only since?

A. I had a slight knowledge of him in the Mediterranean service.

Q. Were you in the same ship with him there? A. I was not.

Q. Has you situation as commander of the impress of Liverpool, brought you frequently into company with Captain Colquitt?

A. Very often.

Q. Has it both in public and private—have you often seen him in both?

A. I have.

Q. Have you been able, Sir, in consequence of these meetings, to form an opinion of his character? A. Yes.

Q. Will you state to his Lordship and the Jury, what your opinion is as to his general character, from your own observations?

A. Since my arrival in Liverpool, we have been very much together, which has given me an opportunity of seeing a number of acts of attention to the distresses of fathers, mothers, wives, and to the cries of children.

Q. Go on Captain?

A. I have never on any occasion seen an application of distress brought to him either by myself or the person employed, but he has been always ready to redress it as far as his duty would lead him.

Q. I believe, Sir, the impress service is very difficult, and requires the exercise of mild and gentle qualities to make it tolerable?

A. I have found it so.

Q. Have you always found in Capt. Colquitt those qualities which you consider as necessary to that station? A. Always.

Q. What is his general character in public and private?

A. I have always found him to be a very cheerful, pleasant companion such a one as I should always choose to myself.

Q. He is not then disposed to quarrel?

A. Not in the smallest degree.

Q. Is he not only not disposed to quarrel himself, but is he likely to encourage quarrels?

A. I have know him to prevent quarrels.

SAMUEL NORTHCOTE (sworn).

Examined by Mr. Wood.

Q. Mr. Northcote, I believe you are purser of the ship, Capt. Colquitt commanded.

A. Yes.

Q. The Princess?

A. The Princess.

Q. How long have you known him?

A. Since June last only, the time the ship was commissioned.

Q. How long ago is that?

A. Since the 23d of June last.

Q. Then being in the same ship have you had opportunities of observing what his temper was?

A. Very often indeed.

Q. Now then, Sir, I wish you would state what his temper is?

A. His temper his mild, generous, humane, benevolent and every thing praise-worthy.

Q. Was he beloved by the sailors?

A. He reigns as much in the hearts of the sailors (if I may be allowed the comparison) as our beloved sovereign reigns in the hearts of his faithful subjects.

Here closed the Evidence for the Prisoners.

SIR ALAN CHAMBRE:

Gentlemen of the Jury,

It is always an extremely painful duty to be obliged to decide upon offences, which offences being proved, must be atoned for by the lives of the parties. It is more particularly so when the offences are of the highest nature; and such is the crime of murder. But it is still more painful when you are to sit in judgment not on men of abandoned principle, not on men who are the enemies of all society, but on men of honourable estimation, of excellent character, of considerable station in life—the duty then becomes infinitely more painful; still however that duty it is incumbent upon us to meet with fortitude and to fulfil.

In the address made to you in support of the prosecution, you are very rightly cautioned not to suffer your minds in the smallest degree to be tinctured by any rumours which may have prevailed in the county, by any reports which may have crept into the public papers, or by any thing but the evidence you have heard in the cause. Gentlemen, to this caution, I beg leave to add another—and it is this, that you will not suffer your minds to be in the smallest degree, affected by any thing that might appear to be declamatory or pathetic, or by any force of action or gesture made use of to support this prosecution. You will keep your eyes steadily fixed upon the evidence and come to your conclusion with as much coolness as if you were casting an account in arithmetic. You are to be without passion and without prejudice.

Gentlemen, the crime imputed to the prisoners I need not repeat to you—it is the crime of murder—in which offence the prisoner at the bar, Mr. Sparling, is charged as the principal in the first degree—as the hand which committed the deed, who deprived Mr. Grayson of his life, and the prisoner Captain Colquitt, is charged as being present, aiding, abetting, and assisting at the time of the commission of this act. The situation of both the parties, as principals is in substance, and in fact the same; for though they are distinguished as principals in the first degree, and in the second degree; yet, if you believe and find the charge true against them,

the consequences are precisely the same with respect to both. The hand which committed the offence, and the person present, aiding, abetting, and assisting are both equally culpable in the eye of the law.

Gentlemen, it may be proper for me to state (and it it with great pain I do) but I must state the law upon this subject of duelling; and that I may not do it partially and in my own words, I will repeat to you the language of a writer of the first eminence in the law upon this subject:—After giving a description of the crime of murder (I refer to the definition of Mr. Justice Blackstone) he says, "that the definition he had given before, takes in the case of deliberate duelling, where both parties meet advisedly with an intent to murder—claiming it as their right to wanton with their own lives and the lives of their fellow creatures, without any authority either divine or human, but in direct contradiction both to the laws of God and Man—and therefore the law here very justly fixed the crime of murder on the firsts and seconds also."

This is the definition he gives, and it is the received law of the land, with regard to the crime arising from death, occasioned by a deliberate duel. Gentlemen, in general, the law has great regard for the infirmities of human nature, and when a quarrel arises from a sudden provocation, and the parties fight immediately in heat of blood, then the crime will be extenuated and it will be that of manslaughter.

Gentlemen, I shall say nothing more upon the nature of the crime, but proceed to state to you, as well as I may be enabled, from the notes I have taken, the whole of the evidence, as I should be extremely sorry to omit any part of it which might be material or which might assist you.

(His Lordship having stated the evidence for the crown, observed)

Here Gentlemen, ends the evidence for the prosecution—and with respect to the original conduct of Mr. Sparling and his family, you ought to dismiss that from your consideration, because you are not enabled to decide justly on that point—it appears that Mr. Grayson had used extremely injurious language with regard to Mr. Sparling—he had made use of words which tended to abuse the character of Mr. Sparling, and threatened him with personal chastisement—it appears that at the time that communication was made, Mr. Sparling conducted himself with great moderation; it was his wish that these reports should die away, and that he might not be put to the necessity of injuring Mr. Grayson.—To be sure this language was not the language which Mr. Grayson ought to have made use of—the law was open to the family, if Mr. Sparling had broken his promise of marriage*; it was not justifiable in Mr. Grayson to use the language he did; still less was it justifiable in him to threaten Mr. Sparling with personal chastisement—however, Mr. Sparling appears to have conducted himself with great moderation in keeping out of the way, in going abroad to Paris, spending a considerable space of time there, and probably would have spent a longer space if the war had not broke out.—Unfortunately the war brought him home, and he does seem to have been irritated to send three letters, each of which letters cannot be considered less than in the light of a challenge. Mr. Grayson's answers were read to you, but they do not at all lead to any explanation—still however, I am not able to state to you that they were any justification of his conduct.

You heard the two defences that were made, the first by Mr. Sparling and the other by Capt. Colquitt. In many parts of these defences they address themselves very forcibly to your feelings. They have each of

* Quere, *might not this very just remark have been applied with equal propriety on the other side? Was not the law as open to Mr. S. and as available for redressing any injury he had sustained from Mr. Grayson, as it was to the other family? These questions have frequently been put, but it would be presumptuous to attempt an answer.*

them given a narrative of their own conduct on this occaſſion, and their general conduct in life—Mr. Sparling has gone into a great many particulars reſpecting the connection which he was to have had with the family of Mr. Grayſon, that is, with the daughter of Mr. Renſhaw.

I have already laid down to you that any provocation given to them (though expreſſed in terms ever ſo injurious) cannot be conſidered as any extenuation of the offence of fighting a duel with Mr. Grayſon—the papers theſe gentlemen have read in their defence are ſo extremely long, you will hardly expect I ſhould go through the whole of them; but you have heard them read, and I dare ſay keeping theſe circumſtances in your mind, you will attend to the further evidence that is given on the part of the priſoners.

(His Lordſhip having gone through the evidence of Dr. M'Cartney, and remarked upon the objections which might ariſe to that evidence, obſerved that)

They confine themſelves to the circumſtances he has related, and which apply to Capt. Colquitt—the reaſon I think why he has given no evidence in favour of Mr. Sparling, is this—that if, through the means of the teſtimony he may have given to you this day, Mr. Sparling ſhould be acquitted of the crime imputed to him; the conſequence of Mr. Sparling's acquittal would be the acquittal of Dr. M'Cartney himſelf—I am relieved, however, from any difficulty as to the evidence of Dr. M'Cartney, ſince it was confined only to what related to Capt. Colquitt; and Capt. Colquit's acquittal would not be an acquittal of Dr. M'Cartney, but he would ſtill remain liable to the charge of having been an aider and abettor in that act.

(His Lordſhip here recapitulated the evidence of the witneſſes who were called to ſpeak to the character of Mr. Sparling, and proceeded—)

This is the evidence with reſpect to the character of Mr. Sparling, and it is impoſſible for any man in any court of juſtice to appear with a better character. If this evidence does not ſatisfy you with reſpect to the goodneſs of that character no evidence can—it is perfectly ſatisfactory.

(The learned Judge having gone through the evidence for Capt. Colquitt, concluded as follows:)

Gentlemen, this is the character which you have had of theſe gentlemen, and to be ſure as far as character can avail, theſe men ſtand in as favorable a ſituation as any gentlemen can. Still, however, you have to take into conſideration the whole of the evidence and are to form your deciſion according to the evidence, having already heard what the law is on this ſubject. It does appear that theſe gentlemen met by appointment, that they went from Liverpool, between the hours of ſix and ſeven, that they travelled from Liverpool (Mr. Grayſon on foot the greater part of the way) Mr. Sparling along with Captain Colquitt, in a carriage. That they met at a particular place under all the circumſtances that have been laid before you, and that the fatal misfortune happened by the diſcharge of a piſtol. I have already told you that in point of law, when the parties go out deliberately and in cool blood, that in caſe of death enſuing, it is brought in by the law as murder; but it is my duty to tell you, that when the parties do not go out deliberately, but quarrel on a ſudden, then the indulgence of the law mitigates the offence to the crime of manſlaughter; and in ſtating to you this, I have laid the whole of the law before you.—It is for you to conſider of the circumſtances, with all the tenderneſs and attention which you can beſtow upon the unhappy and unfortunate ſituation in which the priſoners ſtand. You are called upon, at leaſt, to give your verdict (whether it be, or whether it be not againſt them) according to the evidence which has been laid before you; according to your belief of the truth of that evidence as it ſtands before you, it is your duty to your country, and the priſoners at the bar.—I have already ſtated to you

the affronts M. Sparling had received, and I wish I could have added to that statement, that affronts of that sort would have been an extenuation of the offence; but it is not in my power, consistently with my duty, to state that... Undoubtedly the conduct of Mr. Grayson was extremely unjustifiable. No doubt the conduct of Mr. Sparling was very forbearing for a great length of time, and it does seem that he was extremely anxious that this business might have been got rid of, without producing those fatal effects: and that Capt. Colquitt had frequently been endeavouring to put an end to the dispute as an amicable mediator.—And that a very moderate acknowledgment of Mr. Grayson having acted with impropriety in the abuse he had thrown out against Mr. Sparling, would have been sufficient. But, however, after all these endeavours had been used, after the forbearance on Mr. Sparling's part, after all the endeavours used by Mr. Sparling, it seems Mr. Grayson still continued obstinate. Upon the evidence you have of their conduct preceding that extremely unfortunate event, you will pronounce your verdict. If you are of opinion that the circumstances of the case, according to the evidence laid before you, do come up to the crime of murder, supposing you to be of opinion that Mr. Sparling did commit the act which deprived Mr. Grayson of his life, coolly and deliberately, and that Captain Colquitt was aiding, abetting, and assisting on that occasion as a second, in that case you must find them both guilty.—If you are dissatisfied with this, and if (as I heartily wish you may) you may be able to observe any circumstance in the case, which will warrant you so to think, and if you are of opinion that they are not guilty, in that case you will acquit them of the offence. Though we have no account of any thing that passed upon the spot where the transaction happened, it does appear that Mr. Sparling on his return, shewed an anxious desire that all due care should be taken of Mr. Grayson. However if you see any circumstance in the evidence that has been laid before you, which can warrant you in concluding, that there was a sudden provocation, or that any thing happened on a sudden provocation, which was renewed in this fatal event, without taking time to cool; then you must decide upon this, and you must in your verdict say, whether they are totally innocent, whether they are guilty of manslaughter, or of the crime of murder.

The Jury retired for about twenty minutes, and returned with a verdict, "NOT GUILTY."

After this, the Jury were again impannelled, and sworn, to try William Sparling, Esq. Samuel Martin Colquitt, and John M'Cartney, M. D. upon a second indictment, but no evidence being brought by the prosecutors, and the Jury having already found the two first Not Guilty, they were of course acquitted.

W. Jones, Printer, 56, Castle-street, Liverpool.